



Institute of European and Comparative Law



Annual Report 2022-2023

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Director's Introduction

When I started as Director, in January 2023, nearby Port Meadow had recently frozen over and I had been skating a couple of inches of over ice; I am happy to report that nearly a year in the corner office and I feel at least as safe, and certainly as lucky, as I did then.



The Institute is what we make of it, and we have had a year of fascinating visitors, inspiring colleagues, thriving Course II teaching and special events. They have been strong testament to the example set by the outgoing Director, Professor Birke Häcker, and the Administrator the IECL was lucky to have for over 20 years, Jenny Dix. Birke moved back to Germany, to a distinguished chair at the University of Bonn, a place she knows well. Just besides the loss the Institute, Oxford generally has lost a bright star. Jenny retired, to have more time and space for the life years of service to others should provide; her skill and organisation continue to pervade the good things we do. The Institute continues to think of them with the fondness and admiration that they engendered in everything they did.

Sadly, during the reporting period, we lost a significant friend and colleague of the Institute, our founding Director, Professor Sir Basil Markesinis, who passed away in April 2023. For a person of such incredible energy and achievement, creating the IECL in 1995 was just one of many landmarks, but we continue to benefit from the foresight, fundraising, and persuasive powers of one of the leading Comparatists, and leading Europeans, of his generation. A collection of tributes to him can be found on pp. 33-38.

It was wonderful to welcome and host a diverse group of **academic visitors** to the Institute, all selected for the strength and promise of their exciting research projects spanning a broad range of different topics in comparative law, EU law and competition law. Our visitors between October 2022 and September 2023 came from Austria, Australia, Brazil, Canada, France, Germany, Italy, the Netherlands, Spain, Sweden, Turkey and the USA (see p. 39).

It is always such a pleasure to see how a group of researchers previously not known to each other can, within a short period of time, turn into a tight-knit academic community, discussing aspects of their work with one another and much besides, and forming academic links and indeed bonds of personal friendships which outlast their visit to Oxford. The Institute tries to facilitate this process in a number of ways, from assisting with their substantive work and connecting them with specialists, to inviting all visitors to present their research at our weekly lunchtime seminars. They also sit in, where possible, on teaching and meet both Oxford and external research students. The aim is a lively and popular forum of exchange with members and students of the Oxford Law Faculty.

It is of course completely impossible to do justice to everybody who has enriched our community by being here, but I would like to take this opportunity to pay tribute to the key **programmes and agreements** which have helped bring colleagues to the Institute and Oxford, and which mean a great deal to all of us at the IECL.

Our partnership and academic exchange with the **Stockholm Centre for Commercial Law** recently continues to go from strength to strength. A year after Ulf Bernitz's passing, we show no signs of slowing down, particularly given the energy of our partners in Sweden. We continue

to have an externally funded one-year postdoctoral position for young Stockholm researchers coming to Oxford (the **Stockholm Centre Oxford Fellowship**), and we have benefitted from the return of Senior Stockholm Fellows too. These are senior Academics taking sabbatical in Oxford, who come for anything from a term to a year. Our link has grown into a whole bundle of collaborations of various kinds, involving senior scholars, post-docs, doctoral candidates and practitioners. One fruit of these joint endeavours is the hugely successful biennial conference on 'Global Trends in Arbitration', the third iteration of which was held to great acclaim in Stockholm in June 2022, and the next will be in 2024.

For many years, the IECL has been working closely with the **Maison Française d'Oxford (MFO)**, bringing young scholars from France to the IECL for periods of between one term and one year (see p. 58). With the help and support of the MFO, we were recently moreover able to reconstitute our Paris Visiting Fellowship programme on the basis of a new trilateral collaboration between the IECL, the MFO and (in alternating years) the Universities of Paris 1 and Paris 2. It was a pleasure to welcome the **Paris Visiting Fellow**, an old friend to Oxford too, Professor Jean-Sébastien Borghetti from the University of Paris 2, in May (see p. 57).

Under an agreement with the **Max Planck Institute for Comparative and International Private Law** in Hamburg the Institute facilitates an exchange of early career researchers. Two **Max Planck Gildesgame Fellows** come for a term each in Michaelmas and Hilary every year, and through the Institute, the Oxford Law Faculty can similarly send researchers to Hamburg for a total of up to six months. We are also fortunate that through the generosity of Professor Guido Alpa we can offer dedicated research funding for Oxford doctoral students wanting to spend a month or two at **La Sapienza University of Rome** (so-called **Alpa Scholarships**) (p. **Alpa Visiting Scholar**

59).

Led particularly by our previous Director, the Institute teamed up with Brasenose College to welcome an expert on Ukrainian and comparative constitutional law to Oxford during 2022-2023. **Dr Volodymyr Venher** from the National University of Kyiv-Mohyla Academy has been undertaking research on the rule of law (for detail, see p. 62). We benefitted greatly from having Volodymyr with us all year, and are delighted that, at the end of his time, he was appointed the new Dean of his Faculty; a fitting and much deserved recognition of his achievements, but a challenging role at the best of times and sadly Ukraine remains far from those.

We continue to benefit from these longstanding relationships with colleagues and institutions abroad, and are delighted to have them to look forward to in the future. I have tried to go to visit all of our partners as early as I could in my tenure, to show our appreciation for the bonds we have. From January to June, I have been able to spend some time (invariably too little, and in some cases, clearly so) in: Paris, to meet with Joël Cavallini, our Course II liaison; Stockholm; for a conference on the Oxford-Stockholm connection, Rome to give two seminars for doctoral students with Guido Alpa; Siena, to present a seminar for students and staff; Munich, to at least greet Professor Lorenz our Course II liaison, and Hamburg, to present at a workshop and renew our exchange agreement. Visits to give a seminar in Leiden, Bonn, and Pompeu Fabra have been for the 2023-4 year, to complete the mini tour. After a Covid-inspired separation, it has been an honour to reconnect with our colleagues and fellow scholars at all levels.

Many of these partners are connected to the IECL in particular because the Institute administers the **Law Faculty's undergraduate student exchange programmes**. Thus, we are linked with universities in France, Germany (Bonn and Munich), Italy, the Netherlands and Spain (see p. 43 et seq.). The highly sought-after so-called Course 2 ('Law with Law Studies in Europe') allows up to 35 of our students to spend their third of four years at one of our partner institutions and

brings a corresponding number of undergraduate exchange students to Oxford, where they take the 'Diploma in Legal Studies'. Previously under the EU's Erasmus+ programme, it now comes within the remit of the UK's new Turing Scheme for outgoing Oxford students (our partner institutions make their own arrangements for the students coming to Oxford).

Though the **changeover from Erasmus+ to Turing** has not been as smooth as one might perhaps have hoped and has created a degree of financial uncertainty, the University of Oxford so far continues to underwriting the year abroad funding for all our students already on or accepted onto Course 2. This provides reassurance to everybody involved and is a welcome sign of the University's unwavering commitment to maintaining and fostering student mobility in times when cross-jurisdictional skills or at least an ability to tap into foreign legal discourse are becoming ever more important.

In order to prepare our Course 2 students for their year abroad, the Law Faculty through the IECL provides expert tuition in the fundamentals of those legal systems into which the various groups of the cohort will be going. As part of this preparatory programme, the Institute has recently reconfigured its longstanding and popular **French Law Mooting Competition** so as to broaden students' opportunities for honing their French legal skills (p. 53). Under the aegis of my colleague Dr Geneviève Helleringer, the competition was very successfully run for the second time in its new format in May 2023, generously supported by Gide Loyrette Nouel. I am equally delighted to report that Dr Johannes Ungerer's inaugural **Oxford Comparative Moot in German Law** will run as a pilot in Hilary Term 2023. It was funded by Freshfields' German branch, and was a huge success (see p. 54) and will run in 2024 as well.

The ensuing pages will give readers a glimpse of the great variety of research in European and/or comparative and/or competition law undertaken by **members of the Institute and affiliated Visiting Research Fellows** on an ongoing basis (see individual profiles at p. below6 et seq.). They also contain more detailed reports of some of our **one-off events, conferences and seminars**.

At the start of 2023, we welcomed Kat Hayward as our new administrator, taking over from the incredible Jenny Dix. This was on a one year contract, while the Faculty made some other decisions. Kat came to us having been a Course II student herself, and being a keen Francophile, as well as having qualified as a solicitor. Kat brought a great deal to the role, and it has been a pleasure to have some with such legal expertise supporting the work of the IECL. At the end of 2023, the permanent job was advertised.

Matthew Dyson, 21 December 2023

Staff

Academic Staff

Professor Matthew Dyson, Professor of Civil and Criminal Law and Director of the Institute

Dr Geneviève Helleringer, Academic Director of Undergraduate Exchange Programmes and Deputy Director of the Institute

Professor Ariel Ezrachi, Slaughter and May Professor of Competition Law, Director of the Centre for Competition Law and Policy and Deputy Director of the Institute

Professor Iyiola Solanke, Jacques Delors Professor of EU Law and Deputy Director of the Institute.

Professor Javier García Oliva, Tutor in Spanish Law

Nello Pasquini, Tutor in Italian Law

Dr Johannes Ungerer, Erich Brost Lecturer in German Law and EU Law

Research Fellows

Professor Sanja Bogojević (Professor of Law and Fellow of Lady Margaret Hall)

Professor Ngoc Son Bui (Professor of Asian Laws and Fellow of St Hugh's College)

Dr Marco Cappelletti (Stipendiary Lecturer, St John's College)

Professor John Cartwright (Emeritus Professor of the Law of Contract and Emeritus Fellow of Christ Church)

Professor Horst Eidenmüller (Professor of Commercial Law and Fellow of St Hugh's College)

Professor Pavlos Eleftheriadis (Professor of Public Law and Fellow of Mansfield College)

Professor Stefan Enchelmaier (Professor of European and Comparative Law and Fellow of Lincoln College)

Professor Luca Enriques (Professor of Corporate Law and Fellow of Jesus College)

Professor Wolfgang Ernst (Regius Professor of Civil Law and Fellow of All Souls College)

Professor Liz Fisher (Professor of Environmental Law and Fellow of Corpus Christi College)

Professor Mark Freedland (Emeritus Professor of Employment Law and Emeritus Fellow of St John's College)

Professor Barbara Havelkova (Associate Professor of Law and Fellow of St Hilda's College)

Professor Angus Johnston (Professor of Law and Fellow of University College)

Professor Ciara Kennefick (Associate Professor of Law and Fellow of Christ Church)

Dr Signe Larsen (Fellow by Examination, Magdalen College)

Professor Dorota Leczykiewicz (Associate Professor of Law and Fellow of St Peter's College)

Professor Justine Pila (Professor of Law and Fellow of St Catherine's College)

Professor Sandy Steel (Professor Law and Fellow of Wadham College)

Professor Stephen Weatherill (Emeritus Jacques Delors Professor of European Law)

Professor Simon Whittaker (Professor of European Comparative Law and Fellow of St John's College)

Visiting Research Fellows

Professor Hugh Beale (Emeritus Professor, University of Warwick and Visiting Professor in the Oxford Law Faculty)

Rachel Brandenburger (Hogan Lovells)

Professor Alexandra Braun (Lord President Reid Chair of Law, University of Edinburgh)

Professor Laura Carlson (Professor in Private Law, University of Stockholm)

Professor Mindy Chen-Wishart (Professor, Provost's Chair at the National University of Singapore)

Professor Gerhard Dannemann (Professor of English Law, British Economy and Politics, Humboldt University, Berlin)

Professor Eric Descheemaeker (Professor, University of Melbourne)

Professor Bénédicte Fauvarque-Cosson (President of the Conservatoire national des arts et métiers)

Professor Samuel Fulli-Lemaire (Professor, University of Strasbourg)

Birke Häcker (Schlegel Chair in Civil Law, Common Law and Comparative Law at the University of Bonn)

Professor Martijn Hesselink (Professor of Transnational Law and Theory, European University Institute)

Professor Rodrigo Momberg Uribe (Professor of Civil Law, Catholic University of Valparaíso)

Professor Juan Pablo Murga Fernández (Senior Lecturer, University of Seville)

Dr Julian Nowag (Senior Lecturer in EU Law and Competition Law, University of Lund)

Conor Quigley QC (Serle Court Chambers)

Professor Wolf-Georg Ringe (Director of the Institute of Law and Economics, University of Hamburg and Visiting Professor in the Oxford Law Faculty)

Dr Jan Zglinski (Assistant Professor, London School of Economics)

Professor Katja Ziegler (Sir Robert Jennings Professor of International Law, University of Leicester)

Administrator

Kat Hayward

Note: The following pages feature (only) those staff biographies and activities which the Institute received in time for inclusion in this report. A number were not submitted.

Staff Biographies and Activities



Hugh Beale is an Emeritus Professor at the University of Warwick, Visiting Professor at the Oxford Law Faculty and Senior Research Fellow at the Commercial Law Centre at Harris Manchester College; Visiting Research Fellow at IECL.

Selected Presentations

- (with J Beatson) “Default Rules from the Point of View of the Law Commission”, at ‘Default Rules in Private Law’, International Workshop, Brasenose College, University of Oxford, 24 & 25 March 2023
- “An alternative approach to codification: private law in the common law system”, at Codification of Civil Law: Assessment, Reforms, Options: International Conference, Ferenc Madl Institute of Comparative Law and Hungarian Academy of Sciences, Budapest, 18-19 May 2023
- ‘Doctrines of Change of Circumstance, Covid-19 and Special Measures’, at Comparative Reflections in the Law of Obligations, Conference in Honour of Professor Simon Whittaker, St John’s College, Oxford, 25-27 September 2023
- “Sustainability: goods and associated services”, at Roundtable on "Sustainability goals and the new developments of European Private Law, University of Trento, 18 April 2023

Other Activities

- He continued to act as Rapporteur for the CISG Advisory Council on “The Article 4 Validity Exception” and (with B Häcker) to organise a series of books, *National Contract Law in a Comparative Context*, to be published by Intersentia; and he gave five lectures on European and Comparative Contract Law at the University of Trento.



Fabiana Bettini is a Lecturer in Property Law at UCL Laws and a Visiting Research Fellow at the Institute.

Fabiana's research interest primarily lies in the field of comparative property law and focuses on property institutions and doctrines across different jurisdictions (mainly England, France, and Italy). Fabiana's research also focuses on housing from an English and comparative law perspective. She also has an interest in property theory.

Building on her experience, Fabiana has been working on a project which starts to explore some of the challenges of high-rise buildings. She has co-authored a paper (with Prof. Susan Bright and Prof. Sarah Blandy), called 'Understanding the role of law in shaping the life of high-rise residential buildings', which has been accepted for publication in the Oñati International Series in Law and Society.

Fabiana's interest in new forms of collaborative housing led her to focus on cohousing and its legal implications in comparative perspective. The paper 'Legal Structures and Restrictions on Alienation in Cohousing: A Comparative Analysis of English and French Law', which was originally presented at the 14th biennial Modern Studies in Property Law conference 2022, has been published as a book chapter in the MSPL Conference volume.

Again from a comparative perspective, Fabiana has worked on a project (with Dr Marco Cappelletti) which investigates the role of private law in responding to building safety issues in residential buildings. This project compares English and Italian law, assessing if and how private law is used to address building safety problems in the two legal systems. The paper was presented at the Oxford-Melbourne symposium on 'Exploring Building Safety through the Lens of Private Law', held in August 2023. The paper will be included in a collection of essays edited by Andrew Bell, Sue Bright, Ben McFarlane, and Andrew Robertson. The book will be published by Hart in 2024.

Finally, given her interest in property theory, Fabiana co-edited the book 'New Directions in Private Law Theory' with UCL colleagues (Prof Charles Mitchell, Prof Prince Saprai, and Dr Martin Fischer). The book is a collection of essays originally presented at the SLS Annual Seminars 'New Directions in Private Law Theory' in 2021, and it features contributions from a diverse and inclusive range of early career scholars in various aspects of private law theory. The volume has been published by UCL Press in 2023.

Selected publications

- F Bettini, 'Legal Structures and Restrictions on Alienation in Cohousing: A Comparative Analysis of English and French Law', Natalie Mrockova, Aruna Nair, and Luke Rostill (eds), *Modern Studies in Property Law*, volume 12 (Hart Publishing, 2023).
- S Bright, S Blandy, and F Bettini, 'Understanding the role of law in shaping the life of high-rise residential buildings' (Hart Publishing, forthcoming 2024).
- F Bettini, M Fisher, C Mitchell, P Saprai (eds), *New Directions in Private Law Theory* (UCL press, 2023).

Other activities

- At UCL Laws, Fabiana has been the convenor of the Property I (Land Law) module until September 2023 and has been one of the convenors of the Laws' Connections programme. She regularly teaches tutorials in Land Law and Trusts Law.



Rachel Brandenburger is a Visiting Research Fellow of the Institute and a Visiting Law Fellow at St Hilda's College.

She lectures on "The Global Dimension of Competition Law Enforcement" in conjunction with Professor Ariel Ezrachi's course on competition law for BCL/MJur/MSc in Law & Finance students. She is also the editor of the Agency Insight section of Oxford University Press' Journal of Antitrust Enforcement. At her invitation, the leaders of the Netherlands Authority for Consumers and Markets, the Australian Competition and Consumer Commission, the U.S. Department of Justice's Antitrust Division and the U.S. Federal Trade Commission have contributed articles this year.

Rachel is recognised globally as a leading international antitrust and competition law and policy advisor. She advises board level executives of major global corporations and the senior leadership of antitrust agencies around the world, including the U.S. Department of Justice where she was Special Advisor, International to the Antitrust Division, based in Washington D.C. from 2010 to 2013. She was a partner in Freshfields Bruckhaus Deringer, based in Brussels and London (1988-2009) and a senior advisor & foreign legal consultant to Hogan Lovells, based in New York (2014-2023).

She is currently a global senior advisor on competition & regulatory policy to APCO Worldwide, based in New York, a non-governmental advisor to the International Competition Network (European Commission 2013 to 2019; UK Competition & Markets Authority 2020 -) and a trustee of the University of Oxford Law Foundation.

Selected Publications

- Looking backwards to move forwards: The role of history in current US antitrust enforcement? *Journal of Antitrust Enforcement* (with Jill Ottenberg)
- Competition Act 1998: The first 25 years of competition law in the UK and what to expect in the future *Antitrust Report* (with Christopher Hutton & Stelios Charitopoulos)
- Antitrust in the Age of AI *Competition Policy International* (with Benjamin Faull & Saga McFarland)

Selected Presentations

- Oxford University, Law Faculty & Said Business School – Seminar series on "The Global Dimensions of Competition Law" for BCL/MJur/MSc in Law & Finance graduates – lecturer
- Panelist in "US-UK Economic Cooperation under a New Narrative", BritishAmericanBusiness Roundtable, Washington D.C.
- Panelist in "Geopolitics, Competition Policy and M&A", International Bar Association, New York
- Panelist in "Innovation & Competition Law", Legal 500 webinar
- Panelist in "Cooperation in Unilateral Conduct", Organisation for Economic Cooperation and Development/International Competition Network webinar.

Selected Online Participation

- The Organisation for Economic Cooperation and Development's Competition Day
- University of Southern California - University of Cambridge's Antitrust Virtual Law Workshops 2022.



Alexandra Braun holds the Lord President Reid Chair of Law at the University of Edinburgh.

Professor Braun has broad research interests in comparative law and legal history, in particular in the areas of trusts and succession law. Her monograph entitled '[Claiming a Promised Inheritance: A Comparative Study](#)' and published by OUP in 2022 provides a comparative study of unfulfilled promises of an inheritance and of their legal treatment across various both the civil and common law legal traditions. The book examines those cases where a person is promised a future inheritance and, having acted on it, later discovers that the promise is unfulfilled. It structures its analysis and argument around the stories of disappointed promisees and their unfulfilled expectations of a future inheritance, and how they might seek redress. It maps and compares the various, and often very diverse range of legal responses that a promisees can avail herself of across different legal areas of the law (ranging from contract law to property law, employment law, unjust and unjustified enrichment law, and succession law) and different legal systems.

This past academic year Professor Braun has been working on two main projects. One examines testamentary freedom in a historical, comparative and contextual perspective. The other project explores the role of purposes in the context of trusts and in particular the circulation of various models of private purpose trusts.

Professor Braun is also interested in the impact of the transfer and distribution of wealth on death on questions of intergenerational equality and in the cultural history of inheritance. Other interests include legal education, the study of the circulation of legal ideas across legal tradition, and the development of various forms of legal scholarship and its interaction with, and impact upon, judicial decision-making.

Selected Publications

- A Braun, 'Private Purpose Trusts in Scotland' (2023) 27 *Edinburgh Law Review* 397-403.
- A Braun, 'Private Purpose Trusts: Good for Scotland?' (May 10, 2023). University of Edinburgh School of Law Legal Studies Research Paper Series No. 2023/05, Available at SSRN: <https://ssrn.com/abstract=4444542> or <http://dx.doi.org/10.2139/ssrn.4444542>
- A Braun, 'Scottish Judges in Westminster: The Case of Lord Dunedin', in N Jansen and S Meier (eds), *Iurium itinera. Historical Comparative Law and Comparative Legal History* (Mohr Siebeck 2022) 29-51.

Selected presentations

- 'Testamentary Responsibility', Max Planck Institute for Comparative and International Private Law, Hamburg, 17 May 2023.
- 'Private Purpose Trust', Edinburgh University, 5 December 2022.
- 'Scottish Judges in Westminster: The Case of Lord Dunedin', Max Planck Institute for Comparative and International Private Law, Hamburg, 13 October 2022.



Marco Cappelletti is Lecturer in Law at St John's College, Oxford, and a Research Fellow at the Institute.

His research interests lie primarily in the field of comparative law and private law, particularly tort.

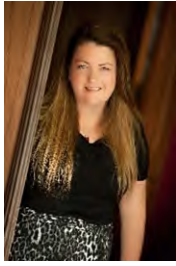
In the past year, Marco has been involved in several comparative law initiatives.

Together with Professors Ciara Kennefick and Dorota Leczykiewicz, Marco co-organised a conference to celebrate the retirement and the scholarship of Professor Simon Whittaker. The conference was held in Oxford on 25-27 September 2023, gathering leading scholars from all over Europe to present and discuss their work, displaying the comparative law scholarship which has benefited from or coincides with Professor Whittaker's contribution to the field. Marco contributed a paper himself, exploring the concept of foreseeability in the English and French laws of torts. The paper and the book will be published in 2024.

In addition, Marco has worked on a project which investigates the role of private law in responding to building safety issues in residential buildings. This project, co-authored with Dr Fabiana Bettini (UCL), compares English and Italian law, assessing if and how private law is used to address building safety problems in the two legal systems. This paper was presented at the Oxford-Melbourne symposium on 'Exploring Building Safety through the Lens of Private Law', held in August 2023. The paper will be included in a collection of essays edited by Andrew Bell, Sue Bright, Ben McFarlane, and Andrew Robertson. The book will be published by Hart in 2024.

Finally, Marco has completed a paper on the foundations of vicarious liability in English tort law. The paper is forthcoming in the *Law Quarterly Review* in early 2024.

In Oxford, Marco has given or gives tutorials and classes in Roman law, Tort law, and Contract law. In addition, Marco delivers lectures at the Law Faculty on selected tort law topics.



Laura Carlson is a Professor in Private Law, Stockholm University, and a Visiting Research Fellow at the Institute. She is also the Academic Director of Internationalisation for the Faculty of Law, Stockholm. She is chair of the Stockholm Commercial Centre Oxford committee. She is the editor-in-chief of the Brill Research Perspectives in Comparative Discrimination Law and co-editor of the Sage International Journal of Discrimination and the Law. Laura acts as Director of Outreach for the Law Schools Global League. She is a board member of the Berkeley Center on Comparative Equality & Anti-Discrimination Law (BCCE), where she co-chairs two of the working groups, Covid-19 and Inequalities, and Digital Equality, both from comparative perspectives. She is also convenor for the BCCE Comparative Equality Law, which comprises students and teachers from over ten faculties across the world. Together with Panos Kapotas, Laura is editing an encyclopedia on equality to be published by Edgar Elgar publishing.

With her background in both American and Swedish law, Laura's research focuses on comparative law, labour and employment law, discrimination law and access to justice. Much of the crux of her recent publications has taken up the tension between collective labour rights and individual discrimination protections as human rights, and the necessity of access to justice mechanisms in order for individuals successfully to bring claims. Pay equity is an example of invoking this tension, and is examined from comparative perspectives. Laura is the Principal Investigator for Stockholm University within the EU Horizon Project "States' Practices of Human Rights Justifications: A study in civil society engagement and human rights through the lens of gender and intersectionality" (2023-2026).

In addition to the BCCE course, Laura is also convenor of the upper level elective courses at the Department of Law, Stockholm University, Equality Law as well as American and English Business Law. She supervises several doctoral candidates, many of whom include a comparative perspective in their dissertations.

Selected publications

- 'The Perspectives of Legal Regulations and Employee Voice: Insights from Sweden' (2023) Toyin Ajibade Adisa, Chima Mordi, Emeka Oruh (eds.), *Voice in the Global North: Insights from Europe, North America and Australia* (Palgrave Macmillan) 111-140
- 'The EU pay transparency proposed directive – general overview and some comments on the rules on enforcement and sanctions' 2022(2) *European Equality Law Review* 1-20.



John Cartwright is a former Director of the IECL, Emeritus Professor of Contract Law in the University of Oxford, and Emeritus Student (Fellow) of Christ Church. He is a Research Fellow at the Institute.

His research is in English and comparative private law, with a focus on contract law and property law. His work in comparative law involves in particular the comparison between English law and French (and French-related) systems, but in his work on (national) English law, whenever appropriate he also engages in comparison with the civil law tradition, to help the reader better understand the approach taken by English law.

Selected publications:

- *Contract Law: An Introduction to the English Law of Contract for the Civil Lawyer*: 4th edn (Hart Publishing, 2023)

Selected presentations

- Seminar on the common law for Dutch practitioners (January 2023)
- ‘The Nature and Function of Default Rules in Contract Law’: for an international workshop on ‘Default Rules in Private Law’, Brasenose College, Oxford, 23 and 24 March 2023
- ‘Good Faith in Private Law: a Common Law/Civil Law Divide?’ at (1) the Institut de Recherche en Droit des Affaires, Paris, 20 February 2023 and (2) the University of Seville Faculty of Law on 18 April 2023
- ‘The Role of Consideration in English Law’: for an international seminar on ‘Cause and Consideration’, University of Malaga Faculty of Law, 20 and 21 April 2023
- ‘Remedies for Defects in the Formation of a Contract: Learning by Comparing’: for ‘Comparative Reflections in the Law of Obligations’: Conference in Honour of Professor Simon Whittaker, St John’s College, Oxford, 25-27 September 2023

Other activities

- John Cartwright continued his teaching at the Université Paris 2 Panthéon-Assas, where he has been *professeur contractuel de droit privé: droit du common law* since 2019. He teaches courses at undergraduate (first and second year) and graduate (Master 2) level: the undergraduate teaching is aimed at giving French students an introduction to the common law (and to the English law of contract and tort in particular), and the graduate teaching involves seminars giving a broader introduction to comparative law, including the methodology of comparison between the common law and the civil law.



Gerhard Dannemann is Professor for English Law, British Economy and Politics, and Director of the Centre for British Studies, Humboldt University Berlin, and Visiting Research Fellow at the Institute.

He co-leads an international research project on “F.A. Mann – The Lawyer and his Legacy” which explores the impact which Francis Mann had on the development of English, German and International Law, based on Mann's voluminous correspondence which was donated to the Humboldt University in 2014. This project is supported by a substantial three year grant by the *Deutsche Forschungsgemeinschaft*. OUP is due to publish the contributions in 2024.

His research interests include comparative private law, in particular contracts, torts, and unjust enrichment, comparative methodology, conflict of laws and good academic practice.

He also continued as General Editor of the Oxford University Comparative Law Forum.

Selected publications

- ‘Martin Wolff zum 150. Geburtstag’, in: (2022) *Zeitschrift für Europäisches Privatrecht* 635-646
- ‘Drafting Style and Drafting Technique in European Private Law’, in: Helmuth Grothe, Peter Mankowski and Frederick Rieländer (eds), *Europäisches und Internationales Privatrecht - Festschrift für Christian von Bar zum 70. Geburtstag* (C.H. Beck 2022), 77-87

Selected presentations

- “F.A. Mann – The Lawyer and His Legacy. Presented at the Law Faculty of Charles University, Prague, 11 May 2023
- “Marguerite and Martin Wolff”. Presented at the Max Planck Institute for Comparative Public Law and International Law, in a series of seminars celebrating the 100th anniversary of the founding of the Institute, Heidelberg, 16 June 2023

Other activities

- Attended the State Banquet hosted by the German President on the occasion of the state visit of King Charles III to Germany and the King's Presentation to the German Parliament



Eric Descheemaeker has been a Research Fellow, then Visiting Research Fellow, of the Institute since 2009. In 2017 he moved from the UK to Australia to take up a professorship at Melbourne Law School. Since then, he has broadened his research interests in two directions: comparative law within the Anglo-Commonwealth tradition, especially in the fields of tort and remedies, and French law in the South Pacific.

In MT 2022, he spent a sabbatical in Oxford (Maison française d'Oxford and the Institute), also giving a Current Legal Problems lecture on normative damages. In February 2023 he was a visiting professor at the Louvain Global College of Law, and gave a public lecture at the Belgian Royal Academy for Overseas Sciences on New Caledonia. Finally, he spent time at the University of Queensland in August-September 2023, getting underway with a new project on persons and things.

Selected publications

- “Against Normative Damages”, 76 *Current Legal Problems* (2023), 1-40
- “Nouvelle-Calédonie : qui décide maintenant ?” [“New Caledonia: Whose Decision Is It Now?”], *Blog Jus Politicum*, available at <https://blog.juspoliticum.com/2023/01/05/nouvelle-caledonie-qui-decide-maintenant-par-eric-descheemaeker> (5 January 2023)

Selected presentations

- “Abolishing Non-pecuniary Damages?”, Australian Centre for Private Law, TC Beirne School of Law, University of Queensland (1 September 2023)
- “Human Dignity and Legal Personality: A Reappraisal”, symposium on dignity, T.C. Beirne School of Law, University of Queensland (28 August 2023)
- “Comparative Common Law”, guest lecture, Université catholique de Louvain (13 February 2023)
- “La standardisation des dommages-intérêts en droit anglais” [“The Standardisation of Damages in English Law”], doctoral masterclass, Louvain Global College of Law, Université catholique de Louvain (8 February 2023)
- “Défis post-coloniaux et limites du droit : l'ordre juridique français dans le Pacifique Sud” [“Post-colonial Challenges and the Limits of Law: The French Legal Order in the South Pacific”], Royal Academy for Overseas Sciences, Brussels (7 February 2023)
- “Against Normative Damages”, Current Legal Problems lecture, University College London (10 November 2022)
- “Abolishing Non-pecuniary Damages?”, Obligations Discussion Group, Faculty of Law, University of Oxford (24 October 2022)



Horst Eidenmüller is a Statutory Professor for Commercial Law at Oxford University's Faculty of Law, a Professorial Fellow of St. Hugh's College, Oxford, and a Research Fellow of the Institute. He is also a Member of the Berlin-Brandenburg Academy of Sciences and Humanities and a Research Member of the European Corporate Governance Institute (ECGI).

In the 2022-23 reporting period, he was working primarily in three fields: (1) Comparative Corporate Insolvency Law, (2) Comparative Civil Procedure and ADR, and (3) Law and Technology. Regarding (1), Eidenmueller co-edited and contributed to a special volume of the *European Business Organization Law Review* on "Corporate Restructuring Laws under Stress"; he co-edited a leading commentary on the new German restructuring procedure ("StaRUG") which contains extensive comparative analyses; he completed the second edition of a book chapter on "Comparative Corporate Insolvency Law" (to be published by OUP); and he worked and published in the field of comparative bank insolvency law. Regarding (2), he prepared a publication on "[Extending the Shadow of the Law: Civil Procedure Reforms in Commercial Matters in a Post-Pandemic and Post-Brexit World](#)" (with Kathrin Eidenmueller and Conor McLaughlin). Regarding (3), Eidenmueller worked and published on "personalized law" from a comparative perspective.

Selected publications

- [Corporate Restructuring Laws under Stress](#) (with K. van Zwieten and O. Sussman), 24 EBOR 201 (2023)
- [What Can Restructuring Laws Do? Geopolitical Shocks, the New German Restructuring Regime, and the Limits of Restructuring Laws](#), 24 EBOR 231 (2023)
- [Muenchener Kommentar zum StaRUG](#) (ed. with R. Stuermer, H. Schoppmeyer and St. Madaus) (Muenchen: C. H. Beck, 2023)
- [Bailout Blues: The Write-Down of the AT1 Bonds in the Credit Suisse Bailout](#) (with J. Paz Valbuena), 24 EBOR 409 (2023)
- [Why Personalized Law?](#), *U. Chi. L. Rev. Online* *1 (03/09/22)

Selected presentations

- 'Digital Support for Commercial Transactions and Dispute Resolution', Annual Conference of the Bavarian Research Institute for Digital Transformation, Munich (October 2021)
- 'Why Personalized Law?', Symposium on Personalized Law, Chicago (November 2021)
- 'Law by Algorithm – Digital Dispute Resolution', Symposium on 'Regulating Economy', Linz (December 2021); Munich (March 2022); Innsbruck (May 2022)



Luca Enriques holds the statutory Chair of Corporate Law and is a professorial Fellow of Jesus College, a European Corporate Governance Institute (ECGI) Fellow, a Fellow Academic Member of the European Banking Institute, a Fellow of the Oxford Martin School and a Research Fellow of the IECL. His research focuses on corporate governance, corporate law and financial regulation, covering them both with a focus on EU law developments and policy debates and from a comparative angle, with specific attention to the differences between the US system and the

European framework.

Selected publications

- Green Pills: Making Corporate Climate Commitments Credible (with John Armour & Thom Wetzer), in 65 ARIZ. L. REV. 285 (2023).
- Dual Class Shares in the Age of Common Ownership (with Alessandro Romano & Vittoria Battocletti), 48 THE JOURNAL OF CORPORATION LAW 541 (2023).
- The Case Against a Special Regime for Intragroup Transactions (with Sergio Gilotta), in 24 EUROPEAN BUSINESS ORGANIZATION LAW REVIEW 471 (2023).

Selected presentations

- (2022) Cambridge University, Faculty of Law, 3CL Travers Smith Lunchtime Seminar Series, 11 October, presentation of the paper, co-authored with Casimiro A. Nigro and Tobias Tröger, 'Venture Capital Contracting in Continental Europe: Bargaining in the Shadow of Corporate Law Constraints'.
- (2022) Assogestioni, Università Bocconi & University of Oxford, Corporate Governance Conference, Rome, 13-14 October (co-organizer with Giovanni Strampelli), introductory remarks and concluding remarks.
- (2022) Comillas-ICADE, Madrid, 17-18 November, 'Congreso Internacional: ESG y Gobernanza Corporativa: ¿Hemos perdido el norte o lo estamos encontrando?', keynote lecture.
- (2022) OECD, Paris, 21 November, Consultation on the review of the G20/OECD Principles of Corporate Governance, panellist.
- (2023) Tel Aviv University e Harvard Law School, 'Controlling Shareholders and Control-Enhancing Mechanisms' Conference, Tel Aviv, 4-5 January, presentation of the paper, co-authored with Sergio Gilotta, 'Justifications for Minority-Co-Owned Groups and Their Corporate Law Implications'.
- (2023) Copenhagen Business School, Center for Corporate Governance Seminar, Copenhagen, 31 March, presentation of the paper "Green Pills".
- (2023) G7 Finance Ministers and Central Bank Governors' Meeting, High-Level Corporate Governance Roundtable, Niigata, 11 May, panellist.
- (2023) Bundesministerium der Finanzen, Conference on the occasion of the 10th anniversary of the Academic Expert Group Financial Markets Law, "Transformation of the Economy and Global Competition of Financial Markets Challenges for Europe in the Next Decade", Berlin, 19-20 September, presentation of the paper, co-authored with Giovanni Strampelli, 'The Dialogue Between Corporations and Institutional Investors: An Introduction'.

Other activities

- Member of the Stakeholder Committee of Consob, the Italian Securities Markets Regulator
- Member of the Working Group on the UNIDROIT Project on the Legal Nature of Voluntary Carbon Credits



Wolfgang Ernst is the Regius Professor of Civil Law and a Research Fellow at the Institute. Prior to joining the Oxford Law Faculty in 2015, he held chairs at the Universities of Tübingen (1990–2000), Bonn (2000–2004) and Zurich (since 2004), where he is still Professor of Roman and Private Law on a fractional basis.

During 2022-23 the bulk of his work was done in the field of Roman law.

The new, three-volume Handbook of Roman Law (*Handbuch des Römischen Privatrechts*) has finally come out in print. A short review can be found in *Rechtsgeschichte/Legal History Review* 31 (2023) 220-1: Stefan Vogenauer, 'Roman Law Reloaded'. The work contains Ernst's book-length chapter on the Roman law of sales. He continued to work on matters of collective decision-making in contemporary law, which involves comparative elements. The motto of the contribution is taken from Kipling: 'The sin they do by two and two, they must pay for one by one'.

Selected Publications

- 'The politics of the lex Aquilia', *Tijdschrift voor Rechtsgeschiedenis / Revue d'histoire du droit / The Legal History Review*, TR 90 (2022) 315-352.
- 'Actio empti, actio venditi', in: *Handbuch des Römischen Privatrechts*, vol. ii, (Tübingen, 2023), 2039-2288.
- 'Caput secundum legis Aquiliae in the History of Roman Law Scholarship', in *Secundum Doctores*, H. de Jong (ed.), (Amsterdam 2023), 17-35.
- 'Verantwortung für Gremienunrecht', *Archiv für die civilistische Praxis*, 223 (2023) 177-227.

Select Presentations

- 'Time lags in legal transplants', Conference '*Iura Privata in Comparatione*', Collegium Polonicum, 5. September 2022
- 'Caput secundum legis Aquiliae in the History of Roman Law Scholarship', Vrije Universiteit Amsterdam, 14 April 2022



Ariel Ezrachi is Director of the Centre for Competition Law and Policy within the Institute, Slaughter and May Professor of Competition Law and a Fellow of Pembroke College. He is a Deputy Director of the Institute. Ariel Ezrachi's research focuses on competition law and enforcement policies in digital markets. His work in recent years addressed the effects of algorithms and big data on competition dynamics, the rise in power of key gatekeepers, and the manipulation and exploitation of consumers.

Selected publications

- 'The Effects of Competition Law on Inequality –An Incidental By-Product or a Path for Societal Change?' (with A. Zac and C. Decker) *Journal of Antitrust Enforcement* (2023)
- 'Competition Law Enforcement and Household Inequality in the United Kingdom' (with C. Decker, A. Zac, C. Casti, A. von Moltke) *Journal of Competition law and Economic* (2022)
- 'The Darker Sides of Digital Platform Innovation' (with Maurice E. Stucke) *Wirtschaft und Wettbewerb* (2023)
- *How Big-Tech Barons Smash Innovation—and How to Strike Back* (with M. E. Stucke) HarperCollins (2022)
- A Cross-Country Analysis of the Relationship Between Competition Law and Economic Inequality (with A. Zac, C. Casti, C. Decker) in *Competition Law and Economic Inequality* (Jan Broulík ed, Hart, 2022).
- 'Innovation Misunderstood' (with Maurice E. Stucke) Forthcoming, *American University Law Review*.

Selected presentations

- Artificial Intelligence and Competition Policy, International Bar Association, Florence (2023)
- Innovation in Digital Markets, Heinrich Heine University Düsseldorf (2023)
- Algorithmic Collusion, Competition and Markets Authority, London. (2023)
- Democracy and Competition, Brandeis Institute, Tel Aviv (2023)
- Competition and ecosystem power, Annual Brussels Conference (2023)
- Media Influence and Antitrust Policy, Association of Competition Economics Conference, Edinburgh (2023)
- Platform Power in the Digital Age, Law School, Edinburgh University (2023)
- Challenges and limits of competition policy, Federal Telecommunications Institute (IFT), Mexico (2023)
- Innovation and consumer welfare, CADE/WIA annual competition for Brazilian event (2022)

Other activities

- Co-editor-in-chief of the *Journal of Antitrust Enforcement* (OUP)
- Leads the pro-bono 'Value of Competition' programme.



Liz Fisher is Professor of Environmental Law, Faculty of Law and Corpus Christi College and a Research Fellow of the Institute.

Liz works on comparative environmental and administrative law. She is currently on a three-year Leverhulme Major Research Fellowship concerned with how environmental problems and environmental legislation evolved public law imagination in the US, UK and Australia over the last fifty years.

Selected Publications

- Elizabeth Fisher, “‘Going Backward, Looking Forward’: An Essay on How to Think about Law Reform in Ecologically Precarious Times’ (2022) 30 *New Zealand Universities Law Review* 111-132
- Elizabeth Fisher, ‘Why Doctrinal Administrative Lawyers Need to Think More About Policy’ *Australian Journal of Administrative Law* (2022) 29 *Australian Journal of Administrative Law* 254-266
- Elizabeth Fisher ‘Imagining Method in Administrative Law Scholarship’ in Carol Harlow (ed) *Research Agenda for Administrative Law* (Edward Elgar, 2023) 1-20
- Liz Fisher, ‘Craft Matters: Seven Tips for Legal Scholars’ (2023) 36 *Journal of Environmental Law* 11-20.
- Elizabeth Fisher ‘Climate Change and Statutory Construction: Administrative Law Expertise and ‘New’ Emergencies’ (2023) 27 *Edinburgh Law Review* 322-344
- Elizabeth Fisher, ‘On Architecture: Statutory Construction in Administrative Law in the UK and Australia’ *Balkanisation Blog*, 1 October 2023

Selected Presentations

- Elizabeth Fisher ‘Climate Change and the Separation of Powers: Towards a ‘Carrier Bag’ Account’ - ‘The Separation of Powers in the Global Arena: Promises and Betrayals’ Symposium, IRPA, Luiss University, Rome, 16th December 2022
- Elizabeth Fisher, ‘The Craft of Legal Scholarship’ *Max Planck Law*, 14 April 2023
- Elizabeth Fisher, ‘Natural Resources, Environment, and Australia’s Public Law Imagination’ 2023 CCCS Constitutional Law Conference, Melbourne Law School, July 2023
- Elizabeth Fisher, ‘What Does it Mean to Future Proof Law?: Lessons from the Past’ Opening Keynote, IUCN AEL Colloquium 2023, University of Eastern Finland, July 2023
- Elizabeth Fisher, ‘In Praise of Legal Parochialism: On Why I Read the Decisions of Specialist Courts’ at ‘Enduring Courts in Changing Times Conference, Sydney, 8-10 September 2023

Other activities

- Liz is General Editor of the *Oxford Journal of Legal Studies*.



Samuel Fulli-Lemaire is Professor of Private Law at the University of Strasbourg and Visiting Research Fellow at the Institute. His main fields of research relate, with an emphasis on the European context, to private international law and comparative law. In its latter dimension, his research focuses on approaching current developments in French law from a comparative perspective, in contract law, tort law for the most part. With regards to family law, his research is less focused on a specific jurisdiction and more on particular institutions, especially marriage and parentage, which he tries to tackle from a comparative perspective.

Selected publications

- “Rapport introductif”, in S. Kraemer *et al.* (eds.), *La cohérence*, Actes du colloque des doctorants et jeunes docteurs de l’École doctorale 101 de l’Université de Strasbourg du 22 janvier 2021, Mare & Martin, 2023, p. 19-30
- “Vers un droit international privé européen de la filiation ?”, *Recueil Dalloz* 2023, p. 246-247
- “L’essor de la notion d’insécurité juridique dans la jurisprudence judiciaire française et la jurisprudence européenne”, in G. Cerqueira, H. Fulchiron, N. Nord (eds.), *“Insécurité juridique” : l’émergence d’une notion ?*, Société de législation comparée, 2022, p. 101-114
- “Can’t Buy Me Love: The French Reluctance to Embrace the Juridical Act”, in *Iurium itinera – Historische Rechtsvergleichung und vergleichende Rechtsgeschichte – Reinhard Zimmermann zum 70. Geburtstag am 10. Oktober 2022*, Mohr Siebeck, 2022, p. 291-306 (with D. Perrouin-Verbe)

Selected presentations

- “The concept of ‘Public Policy’ (*ordre public*) in cross-border family matters”, “Vulnerability and Cross-border Families – The new Brussels IIb” international seminar, University of Coimbra, Jan. 2023
- “Droits humains des minorités sexuées, sexuelles et genrées – Aspects internationaux”, “Droits humains des minorités sexées, sexuelles et genrées – Regards franco-japonais” Conference, University of Tokyo, Nov. 2022
- “Human Rights litigation against corporate defendants – Current developments in the EU and the US”, Research seminar, University of Kyoto, Nov. 2022
- “Contrat”, “Current issues in the Law of Obligations” seminar, University of Strasbourg, Oct. 2022

Other activities

- During the second term of the 2022-2023 academic year, Samuel has taught, among other subjects, a course on the English Law of Contract at the University of Strasbourg. He was also invited, in July 2023, to give an online lecture on French law to the students of Priv.-Doz. Hannes Wais’s class on Tort law at the University of Osnabrück (Germany).
- In June 2023, Samuel Fulli-Lemaire was appointed as joint general editor of the *Revue internationale de droit comparé*.



Birke Häcker holds the Schlegel Chair in Civil Law, Common Law and Comparative Law at the University of Bonn. She is a Visiting Research Fellow of the Institute and was formerly its Director.

Professor Häcker's background is in both English and German law, her research focusing on core private law (especially contract, tort, property/trusts, restitution of unjust enrichment, and succession), usually in comparative perspective and often involving a historical angle. Beside covering the traditional common law – civil law spectrum in these fields, she has a particular interest in the emerging 'comparative common law' phenomenon, ie, that of comparisons being conducted between the different and increasingly diverging common law jurisdictions.

Before taking up her position at Bonn in January 2023, Professor Häcker held the Chair in Comparative Law at the University of Oxford and served as the Director of the Institute of European and Comparative Law. When she left Oxford at the end of 2022, she was pleased to be able to deliver the IECL baton into the capable and trusted hands of the wonderful Professor Matthew Dyson, whom the Faculty had shortly before appointed to be the new Director. She is delighted to see the Institute developing and continuing to thrive under his leadership.

For her engagement in broadening and strengthening the IECL's longstanding collaboration with the Stockholm Centre for Commercial Law, Professor Häcker recently received an honorary doctorate from the University of Stockholm.

Selected publications

- 'Die historisch-vergleichende Methode in historisch-vergleichender Sicht', in N. Jansen, S. Meier and others (eds), *Iurium itinera* (Mohr Siebeck, 2022) 75–100.
- 'Die Rolle der Rechtsprechung im Zivilrecht: Eine rechtsvergleichende Etüde', in [2023] *Zeitschrift für Europäisches Privatrecht (ZEuP)* 10–41.

Selected presentations

- 'A Comparative Introduction to Default Rules', Opening Presentation at the International Workshop on 'Default Rules in Private Law', Brasenose College, Oxford, March 2023.
- 'Causa, Consideration and Unjust(ified) Enrichment', International Seminar on 'Cause and Consideration', University of Málaga, Spain, April 2023.
- 'The Bigger Picture: A Comparative Perspective on Unjust Enrichment Issues in the Commercial Court', Seminar and Webinar on 'Unjust Enrichment in the Commercial Court', hosted by The Commercial Court of the High Court of Justice of England and Wales, Rolls Building, London, June 2023.

Other activities

- Co-organised (together with Dr. Johannes Ungerer) the IECL's International Workshop on 'Default Rules in Private Law', held at Brasenose College, Oxford, in March 2023. For a full conference report, see p. 47.
- Ran a session on 'Comparative Legal History' as part of the IECL Research Masterclass held in September 2023 (cf the report on p. 49).



Geneviève Helleringer is the IECL Lecturer in French Law and Business law. She is also a law professor at Essec Business School Paris, a research member and vice-president of the European Corporate Governance Institute (ECGI), and a Research Fellow of Lady Margaret Hall. Geneviève is Director for Undergraduate exchanges. She is also a member of the IECL management committee and of the Maison française in Oxford (MFO) Oxford Management Committee as well as the MFO Paris Strategic Committee.

Geneviève's academic research focuses on contract, corporate and financial law as well as alternative dispute resolution. Across these subjects, she has an in-depth research expertise in the issue of conflicts of interest, understood as situations where one's own interest interferes with obligations one has to act in another person's interest. Her work draws on insights from comparative law, as well as psychology and ethics.

For the past year, Geneviève continued working on data collection for a cross-cultural study on promises and engagement (9 jurisdictions and 2,700 participants). She also co-authored a comparative study on the hardening of ESG in Europe and in the US and initiated a comparative analysis on VC standard investment contracts.

Selected publications

- 'English Trust et French Fiducie (The Making of English Law Trust)' [Fr] (2022) JCP N 44 - 47

Other activities

- Geneviève is in charge of the French Law courses for undergraduate students. All second year students enrolled in Law with European Studies (French Law) competed in the Oxford French Law Moot sponsored by Gide Loyrette Nouel that Geneviève organised in May 2023.
- In the past year, Geneviève acted as expert witness in French Law in front of the UK High Court and as member of the Board of Appeal of the European Supervisory Financial Authorities.
- In the Spring 2023, Geneviève was appointed to Prime Finance expert panel and was elected to the American Law Institute.

Selected talk / conferences

- Oxford University Press: the Journal of Financial Regulation is the only one in its category to include a comparative panorama in each issue. Since 2018 Dr Helleringer is also an academic editor of the Oxford Business Law Blog, which often features posts including a comparative or European perspective.
- Seoul National University, Global Corporate Governance Colloquium, 16-17 June 2023. Paper: "ESG Regulation. Too much or too little".
- Sienna University, Sustainable Finance Workshop, 28 October 2022. Paper: "The Hardening of ESG"



Angus Johnston is Professor of Law and a Research Fellow at the Institute. He is Hoffmann Fellow in Law at University College.

With a background in English law and EU Law, his research has ranged across the EU Law field in general, with a particular focus upon EU Energy Law and its overlaps with environmental, competition and consumer law issues. He is fascinated by the idea of spillover effects from EU law within national legal systems in general, and by the interactions between EU law and domestic law. In June 2023, a conference was held in Bochum, based upon his work on spillovers, where he delivered the opening keynote lecture and provided comments on other presentations. He intends, over the next two years, to develop his work on spillovers into a book. Environmental dimensions have come to the fore in his work in more recent years, as their interactions with public law, and energy law and markets pose interesting and challenging legal and practical questions for governments, companies and individuals alike as the energy transition and the shift to renewables gathers pace.

Selected presentations

- 'General Comments on Spillover Effects', Bochum, 22-23 June 2023.

Other activities

- Editorial Board member and Book Reviews Editor, *International & Comparative Law Quarterly*.
- Editorial Board member, *UK Subsidy Control Insider Newsletter*.



Signe Rehling Larsen is a Fellow by Examination at Magdalen College, Oxford, and a Research Fellow at the Institute for European and Comparative Law as well as an Early Career Fellow at the Bonavero Institute of Human Rights.

Signe is currently working on three distinct but interconnected research strands. *First*, building on her monograph *The Constitutional Theory of the Federation and the European Union* (OUP 2021), Signe is pursuing research in comparative federalism. *Secondly*, Signe is continuing her post-doctoral research project on how the different ‘varieties of constitutionalism’ in the EU Member States shape their constitutional relationship to the Union. *Thirdly*, Signe is pursuing a new research project, which seeks to incorporate the neglected legacy of empire to the study of European public law, including both the project of European integration and the legal and political orders of its Member States.

Selected publications

- ‘Imagining Europe’ (2023) 24 *German Law Journal* 4, 705–17.
- ‘Beyond Sui Generis: Comparative Federalism and the European Union’ (2023) 1 *Rivista di diritti comparati*, 48–57.
- ‘The Material Constitution of Federations’ in *The Cambridge Handbook on the Material Constitution*, edited by M. Wilkinson and M. Goldoni, Cambridge University Press 2023.
- ‘The European Union as “Militant Democracy”?’ in *The European Constitutional Imagination*, edited by J. Komárek, Oxford University Press 2023.
- ‘Constitutional Pathways in Scandinavia’ in *The Legitimacy of European Constitutional Orders*, edited by M. Dani, M. Goldoni and A. Menéndez, Edward Elgar Publishing 2023.

Selected presentations

- ‘The Foundations of Constitutional Tolerance’. Presentation at the 40th anniversary of the Portuguese Constitutional Court, Portugal, March 2023.
- ‘Political jurisprudence and the European Union. Why the comparative approach is important’. Presentation at the annual conference for *Diritticomparati* on the theme *Conceptualizing Constitutions and identities in the EU today*, Rome, November 2022.

Other activities

- In collaboration with Philipp Dann, Signe co-hosted an international workshop on the theme *European Public Law after Empires* at Humboldt University, Berlin, which brought together EU lawyers, public lawyers from the EU Member States, and leading scholars from the social sciences to investigate the legacy of empire for European public law.



Rodrigo Momberg Uribe is Professor of Private Law at Universidad Católica de Valparaíso and Visiting Research Fellow at the Institute

His research focuses on Latin American contract law, both at the level of harmonisation measures and at the level of comparison between Latin American domestic systems and European jurisdictions. He is also leading a research project on long-term contracts, with the aim of analysing their main characteristics and differences from traditional discrete contracts, and therefore the need to adapt legal rules and principles to the needs of long-term relationships. He is also exploring a new area of research into the relationship between sustainability and contract law. In the field of consumer law, Rodrigo has developed a line of research related to new mechanisms of collective redress.

Selected publications

- Chapter on “Chile”, in Smits, J. et al (Eds.), *Elgar Encyclopedia of Comparative Law*, Edward Elgar Publishing, Cheltenham, 2023.
- “El espejo roto. La formación del contrato en los contratos de larga duración”, in Pinochet, R. (Dir.), *Estudios de Derecho Civil XVI*, Thomson Reuters, Santiago, 2023.

Selected presentations

- “The CISG system of remedies as a means to secure sustainable standards”, 8th Conference on International Arbitration and the CISG, Guadalajara, Mexico.
- “Voluntary collective procedures in Chilean Consumer law”, 18th IACL Conference, Hamburg.



Juan Pablo Murga Fernández is Associate Professor of Civil Law at the University of Seville, where he teaches contract law, property law, family and succession law to undergraduate students and on the LLM in Private Law, and a Visiting Research Fellow of the Institute. He has held different Visiting Professorships abroad: Professor of Comparative Property and Succession Law at Florida International University, in their 'Summer Study Abroad Programme'; 'LFUI – Guest Professorship 2019' at the University of Innsbruck (Austria), where he has given a course of comparative property law and comparative succession law; 'Simon Visiting Professorship' at the University of Manchester, where he taught European comparative contract law and European comparative property law; and 'Visiting Professor' at the University of Padova (Italy) since 2020, teaching European contract law in 2020-25.

He collaborates with the IECL since 2015 giving several lectures on property law and tort law in the 'Introduction to Spanish Law' course, with Prof. García Oliva. His research concerns contract law, property law, comparative succession law and data protection. He is currently working on a book focused on family provisions and forced shares in succession law, from a comparative perspective. He is an Editor of different Spanish and Italian law journals: the *Boletín del Colegio de Registradores*, *Crónica Jurídica Hispalense* and *Revista Internacional de Derecho del Turismo*, *Il diritto della famiglia e delle successioni in Europa*, *European Journal of Privacy Law and Technologies*, *Il diritto degli affari*. He has been responsible at the University of Seville for the European Research Project "H2020 Training Activities to Implement the Data Protection Reform (TATODPR)", financed by the European Commission. He is currently leading a major research project on the reform of the law of succession in Spain, involving a total of thirty researchers, financed by the Spanish Research Agency (Ministry of Science and Innovation).

Selected publications

- (Edited with M. Espejo Lerdo de Tejada) *Las deudas de la herencia* (Aranzadi Thomson-Reuters, 2022).
- (Edited with M. Espejo Lerdo de Tejada) *La persona con discapacidad en el derecho de sucesiones* (Aranzadi Thomson-Reuters, 2023).

ARTICLES AND BOOK CHAPTERS

- 'Preferencia de los créditos a favor de la comunidad frente a los propietarios morosos: límite temporal y distinción de otras garantías. Comentario a la STS no 363/2022 de 4 de mayo (RJ 2022, 2137)', (2023) 62 *Revista Aranzadi de Derecho Patrimonial*.
- 'Comentarios a los artículos 260-273; 811, 812; 834-840', in Guillermo Cerdeira Bravo de Mansilla, Ascensión Leciñena Ibarra; José Ramón de Verda y Beamonte (eds), *Comentarios al Código Civil Boliviano: Libro Segundo. De los bienes, de la propiedad y de los derechos reales sobre la cosa ajena* (Tirant lo Blanch, 2023) 726 ff.
- 'Comentarios a los artículos 811-812', in Ana Cañizares Laso (ed), *Comentarios al Código Civil* (Tirant lo Blanch, 2023) 3914-3929.
- 'Comentarios a los artículos 834-840', in Ana Cañizares Laso (ed), *Comentarios al Código Civil* (Tirant lo Blanch, 2023) 4067-4088.

Selected presentations

- 'Land Registry and data protection', at the General Assembly de la European Land Registry Association celebrada en Málaga (December 2022).
- 'Deudas de la comunidad — deberes del transmitente y responsabilidad del adquirente', at the II Jornadas sobre a Propriedade Horizontal, University of Coimbra (December 2022).
- 'Consideraciones actuales sobre la venta extrajudicial de inmuebles hipotecados', at the Ciclo de conferencias de la Academia Sevillana del Notariado (January 2023).

- 'Cause and the control of legality and morality in contracts', at the International Seminar "Causa and Consideration" Law Faculty University of Málaga (April 2023).
- 'A non domino acquisitions and protection of third-party purchasers of immovable property in the Spanish legal system', at the Centre of Private Law of the University of Manchester (September 2023).



Georg Ringe is Professor of Law and Finance and Director of the Institute of Law & Economics at the University of Hamburg. At Oxford, he is a Visiting Professor at the Law Faculty, a Visiting Research Fellow at the Institute of European and Comparative Law, and an Academic Editor of the Oxford Business Law Blog.

His research continues to lie in the general areas of comparative and European business law – with a particular interest in the regulation of financial markets, corporate law, capital markets, and insolvency law. During 2022-23, the main focus of his research was on regulatory questions concerning sustainability and ESG investing as well as on legal aspects of technology and digitalisation.

In the spring of 2023, he was a Visiting Professor at Stanford Law School.

Selected publications

- ‘Net-Zero Transition and Divestments of Carbon-Intensive Assets’, (2023) 56 UC Davis Law Review 1963-2015 (with Alperen Gözlügöl)
- ‘Regulating AI Trading from an AI Life Cycle Perspective’, in: Nydia Remolina and Aurelio Gurrea-Martinez (eds), *Artificial Intelligence in Finance: Challenges, Opportunities and Regulatory Developments* (Edward Elgar, 2023) 198-242 (with Alessio Azzutti and Siegfried Stiehl)
- ‘Private Companies: The Missing Link on the Path to Net Zero’, (2022) 22 Journal of Corporate Law Studies 887-929 (with Alperen Gözlügöl)
- ‘Investor-Led Sustainability in Corporate Governance’, (2022) 7 Annals of Corporate Governance 93-151
- ‘A Critique of EU Policymaking on Sustainable Corporate Governance and Finance’ (2022) 4(3) *Revue Européenne de Droit* 127-134 (with Alperen A. Gözlügöl)

Selected presentations

- Keynote speaker at the XIV Latinamerican Conference on Commercial Law, Santiago de Chile, September 2023
- Speaker at The Next Conference 2023 – Corporate Governance in the Age of ESG, Seoul, South Korea, September 2023
- Speaker at the Conference ‘Shaping the Future of Compliance’, IAE Business School, Austral University, Buenos Aires, September 2023
- Panellist at AI.SUMMIT on ‘AI Governance and Regulation’, Hamburg, June 2023
- 11th Academic Debate, “The current financial turmoil”, European Banking Institute, Frankfurt, June 2023
- Speaker, Sustainability workshop series, UC Berkeley School of Law, April 2023
- Speaker, Columbia Law School Law & Economics Workshop, New York, April 2023
- Speaker ‘Investor-led Sustainability in Corporate Governance’, Clifford Chance and Radboud University of Nijmegen, Amsterdam
- ‘ESG: a step beyond CSR?’, panellist at International Congress ‘ESG and Corporate Governance: Have we lost our way or are we finding it?’, Universidad Pontificia Comillas, Madrid, November 2022
- ‘Strategies for the transition to a sustainable economy: investor engagement vs regulatory action’, Corporate Governance Conference on ‘Board-Shareholder Dialogue: best practices, legal constraints and policy options’, Rome, October 2022



Iyiola Solanke joined the University of Oxford as Jacques Delors Professor of European Union Law and Professorial Fellow at Somerville College in 2022. She has been a Visiting Professor at Wake Forest University School of Law and Harvard University School of Public Health and was also a Fernand Braudel Fellow at the European University Institute (Florence). Professor Solanke is an Academic Bencher of the Inner Temple, where she sits on the EDI Sub-Committee, and judicial member of the Valuation Tribunal for England (VTE) as well as Deputy Director of the IECL.

She works on European Union law and anti-discrimination law, addressing topics such as intersectional discrimination and judicial diversity. During 2022-23, she completed work on [Co-POWeR](#) and began [Generation Delta](#) (a Research England/ Office for Students project promoting access to PGR study for Black, Asian and Minority Ethnic (BAME) women). Other current projects focus on empirical and de-colonial methods in EU law as well as attitudes to using law to combat weight discrimination. In Sept 2022, she developed the inaugural DPhil Workshop on EU Law at the Law Faculty.

Selected Publications

- *European Union Law* (CUP 2022)
- 'Conclusion: Shifting Forwards in Empirical EU Studies' in *Researching the Europe Court of Justice: Methodological Shifts* ed Madsen, Nicola and Vauchez (CUP 2022)
- Solanke, et al., Co-POWeR Policy Brief: ["Protecting wellbeing and resilience in BAME families and communities during a public health emergency"](#).
- Written [submission to the House of Commons Public Administration and Constitutional Affairs Committee 'Coronavirus Act 2020 Two Years On'](#) (2022). [Cited](#), Para 72, p.22 and 28)

Selected Presentations

- Central European University (Civica Tour of Excellence), 'De-colonising EU Law - Re-thinking the Introduction to EU Law' (September 2023)
- *SLS Annual Conference, Oxford*: Plenary Panel 'Using Law in the Promotion of Justice, Development and Human Rights' (July 2023)
- *University of Copenhagen, iCourts Summer School*: 'Judicial Independence and Diversity' (June 2023)
- *EUGenDem Conference, Helsinki*: 'Protection from Intersectional Discrimination in EU Law: Time for Effective Action?' (May 2023)
- *LSE, London*: A Decolonial Moment in EU and European Studies (May 2023)
- *EUSA Annual Conference Plenary Panel, Pittsburgh, USA*: 'The Colonial Origins of the EU' (April 2023)
- *College of Europe, Bruges, Belgium*: The Impact of War (in Ukraine) on the EU - 'War, Xenophobia and the EU's Social Fabric' (February 2023)
- University of Oxford, Kellogg College Black History Month Lecture - 'De-colonising EU Law: Purpose, Principles and Practice' (Oct 2022)
- *University of Copenhagen*: Colonialism in the EU Legal Order - 'De-colonising EU Law' (September 2022)
- University of Edinburgh ECR Researchers Workshop on Multidisciplinary Research Methods in EU Law: 'Decolonising EU Law' (2022)

Other activities

- Visiting Professor, School of Law, University of Hawai'i teaching a course on Race, Social Justice and European Union Law (January 2023)
- Chair, [Living Black at University](#) Commission (2022- 23)



Johannes Ungerer is the Erich Brost Lecturer in German Law and EU Law at the Institute and St Hilda's College.

During the academic year 2022-23, his teaching comprised lectures on German law (for first and second year students on Course II, who will be going abroad to Bonn or Munich during their third year under the Faculty's exchange scheme). He initiated and hosted the inaugural Oxford Comparative Moot in German Law in February 2023, which was chaired by Lord Mance and fully funded by Freshfields Bruckhaus Deringer. A report about the moot is published on page 54.

His tutorial teaching comprised both Contract law and Tort law at St Hilda's. For the Law Faculty, he offered additional teaching for the BCL/MJur Conflict of Laws course and the Oxford Postgraduate Diploma in IP Law. He also offered tutorials in Comparative Private Law to Visiting Students. He supervised a doctoral student for the entire calendar year 2023 during her research visit to Oxford as a Recognised Student.

Highlights of his research activities in the academic year 2022/23 were two international conferences which he co-organised and for which he is co-editor of the forthcoming edited volumes:

- 'Default Rules in Private law', conference at the University of Oxford, 24/25 March 2023 (together with Professor Birke Häcker), edited volume forthcoming with Hart Publishing; for the conference report, see page 47
- 'Die Achtung des Fremden: Leerformel oder Leitprinzip im Internationalen Privatrecht?', conference at Sigmund Freud University in Vienna, 23/24 February 2023 (together with Heindler et al), edited volume forthcoming with Mohr Siebeck; for the conference report, see conflictoflaws.net/2023/39508/

His further research activities focused on private international and comparative law, which is reflected in his publications and conference presentations listed below.

In addition to his teaching and research, he served as a BCL/MJur Academic Advisor as well as a member of both the Institute's Management Committee and the Faculty's Communications and Web Advisory Committee.

Selected publications

- 'A Bidirectional Anglo-German Comparison of Consideration in Contract Law' (2023) 72 *International & Comparative Law Quarterly* 251-268 (Open Access)
- 'Extending the Brussels Ia Regulation to Third State Defendants – Cui Bono? A Third State Perspective from the UK' in Lutzi et al (eds), *Jurisdiction Over Non-EU Defendants* (Hart 2023) 305-317
- Spanish translation of 'Nudging in private international law' (originally published in *RabelsZ* 2022, 1): "'Nudging" en el Derecho internacional privado' by and in Fernández Pérez, *El Derecho internacional privado ante la(s) crisis de la globalización* (Aranzadi 2023) 15-50

Selected presentations

- "Nudging in private international law", Research Masterclass by the Institute of European and Comparative Law for postgraduate students, University of Oxford, 18 September 2023
- "Private Legal Obligations under the Influence of Foreign States", Conference 'Obligations X: Private Law and the State', *Western Law, Banff*, 11-14 July 2023
- "Private International Default Rules", Conference 'Default Rules in Private law', University of Oxford, 24/25 March 2023
- "Gesetzlich pauschalierter Schadensersatz", University of Tübingen, 12 January 2023



Jan Zglinski is Assistant Professor at the LSE Law School and Visiting Research Fellow at the Institute.

His research interests lie in EU constitutional and internal market law, as well as sports law and policy. Over the past year, he has tried to convince EU lawyers of the usefulness of empirical legal methods, and sports lawyers of the potential of European football regulation. Publications include the articles ‘The End of Negative Market Integration’, which is based on the EU Free Movement of Goods Dataset (now publicly available on the Harvard Dataverse), and ‘The UK Internal Market: A Global Outlier?’, which puts Britain’s new model of economic integration into international perspective. Jan was heard as an expert by the Office for the Internal Market, the regulatory body established to monitor the functioning of the UK internal market, in preparation for its first annual and 5-yearly reports. He discussed the opinion of Advocate General Rantos in the pending Super League case for the LSE EUROPP Blog, drawing attention to the dangers of constitutionalising the European Sports Model while leaving the powers of football governing bodies unchecked. Ahead of the 2022 FIFA World Cup, he was interviewed on the podcast UNrecht about his research on sports law and the future of football governance.

Selected Publications

- ‘The End of Negative Market Integration: 60 Years of Free Movement of Goods Litigation in the EU (1961–2020)’ (2023) *Journal of European Public Policy*
- ‘The UK Internal Market: A Global Outlier?’ (2023) 82 *Cambridge Law Journal*
- ‘The EU Free Movement of Goods Dataset’ (2022) Harvard Dataverse, available at < <https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/XJJ5N4> >
- ‘Constitutionalising the European Sports Model: The Opinion of Advocate General Rantos in the European Super League Case’ LSE EUROPP Blog (16 December 2022), available at < <https://blogs.lse.ac.uk/europpblog/2022/12/16/constitutionalising-the-european-sports-model-the-opinion-of-advocate-general-rantos-in-the-european-super-league-case/> >

Selected Presentations

- ‘How to Reform Soccer’, Charleston School of Law (September 2023)
- ‘Reforming Football: What the EU Can Do’, Universidade Autónoma de Lisboa (July 2023)
- ‘We the Legislature: The Legislative Internal Market’, University of Iceland (June 2023)
- ‘Empirical European Law Scholarship across Europe’, University of Toulouse (June 2023)
- ‘Empirical Legal Studies in EU Law: Foundations, Methods, Themes’, Conference at LSE Law School (June 2023)
- ‘What is the Point of Empirical Legal Research on EU Law?’, Université Aix Marseille (January 2023)
- ‘The End of Negative Market Integration: 60 Years of Free Movement of Goods Litigation’, University of Luxembourg (November 2022)
- ‘Reforming Football: What the EU Can Do’, Asser Institute (October 2022)



Katja Ziegler is the Sir Robert Jennings Professor of International Law and Co-director of the Centre of European Law and Internationalisation (CELI) at the University of Leicester. She is a Visiting Research Fellow at the Institute.

Professor Ziegler teaches and researches in the areas of public international, human rights, EU law and comparative constitutional law.

Her research interests lie in the constitutionalisation and interaction of legal orders in an international, European and comparative law context. She focuses in particular on the interaction of legal orders through human rights, on the methods and devices of such interaction, as well as the interaction between international law and EU law (including EU-UK relations law post-Brexit). A further strand to her research is (comparative) foreign relations law, with a focus on mechanisms of accountability: the evolution of the role of parliaments, and the operation of the rule of law in international contexts.

Selected Publications

- ‘Autonomy of the EU Legal Order - A General Principle? On the Risks of Normative Functionalism and Selective Constitutionalisation’, in Katja S. Ziegler, Päivi J. Neuvonen and Violeta Moreno-Lax (eds), *Research Handbook on General Principles in EU Law: Constructing Legal Orders in Europe* (Edward Elgar 2022), 227-252 (with Violeta Moreno-Lax).
- ‘The Paradigm Shift from EU Law to International Law of the Trade and Cooperation Agreement: A Swansong’, in J Adams-Prassl, Sanja Bogojevic, A Ezrachi and D Leczykiewicz (eds), *The Internal Market Ideal – Essays in Honour of Stephen Weatherill* (forthcoming OUP 2023), Chapter 16.

Selected presentation

- ‘The Rule of Law, Backsliding and the Trade and Cooperation Agreement’, Workshop: *Recent Challenges to the EU’s Normative Identity*, Centre for European Law and Internationalisation, University of Leicester, June 2023.
- ‘“EU ‘Exceptionalism” and the Paradox of Inclusiveness of International Law’ *European Society of International Law Annual Conference: In/Ex-clusiveness of International Law*, Utrecht (September 2022)

Other activities

- From January 2021 to December 2022, she was seconded to the Europe Directorate of the Foreign Commonwealth and Development Office (FCDO) under the AHRC-ESRC-FCO Knowledge Exchange Fellowship scheme, providing advice and training to policymakers.
- Member of the editorial board of the *International and Comparative Law Quarterly*.
- Member of the Steering Committee of the London Conference on International Law 2024

Obituaries



Basil Markesinis, K.C. F.B.A. (1944–2023)

With the death of Sir Basil (Vassili) Markesinis, who sadly passed away at his home on 23 April aged 78 after a long illness, we have lost not only an outstanding scholar of international renown but a loyal colleague remarkable for his ability to build warm and enduring relationships between any law school where he held a Chair and leading law schools and jurists overseas.

Basil was born of a Greek father and an English mother. His father was for a short time the Prime Minister of Greece and there was at one time some thought that Basil too would be elected to that high office but it never happened.

I first became acquainted with Basil in 1986, when I was able to tempt him to leave the beautiful gardens of Trinity College, Cambridge, to come to Queen Mary College in the Mile End Road in East London to take up the post of Denning Professor of Comparative Law in the Law Faculty's Centre for Commercial Law Studies, of which he became Deputy Director. At that time I felt that comparative law was not given enough attention in UK law schools (a view later confirmed by Basil in his article "Comparative Law – A Subject in Search of an Audience" (1980) 53 MLR 1) but at QMC that was quickly rectified by Basil. He not only enjoyed an international reputation for his works in the fields of comparative law and tort law, he was also an inspirational teacher whose students flocked to his classes. He became a close friend and while at Queen Mary we engaged in a number of projects together to raise funds, successfully, for new posts. His international approach and wide range of connections fitted in well with the ethos of the CCLS. We were indeed kindred spirits. Basil had close links with the University of Texas at Austin, where he was Jamail Regents Professor and founded the Institute of Transnational Law, and also with the University of Leiden, where in 1988 he founded and became first Director of the Institute of Anglo-American Law. This was opened by the Prince of Wales. I was there and it was a great ceremony in a huge *aula*, where Basil stood at his lectern so high up that he was almost invisible – but not inaudible! He spoke many languages, often with a vigorous, not to say flamboyant, delivery, albeit with his own idiosyncratic pronunciation of German, perhaps influenced by his Greek origins. He was of the view that the study of other legal systems was not only enriching in itself but made the scholar aware of the distinctive characteristics of his own legal system.

When I came to Oxford in January 1990 I was keen to bring Basil here too but Oxford is a place where the mills of God grind slowly and Professor Jeffrey Jowell, Dean of the Law Faculty at University College London, moved in at the speed of light and secured him for UCL. We did eventually get him to Oxford in 1995 as the Clifford Chance Professor of European Law and later Professor of Comparative Law and founder and first Director of what became the Institute of European and Comparative Law. In this venture Basil again showed his amazing talent for fund-raising, negotiating at the highest level with the German and French governments to procure long-term funding of a deputy directorship and two visiting fellowships, sponsored with great generosity by those governments. Two years he was elected a Fellow of the British Academy. We had the benefit of his energy and scholarship for a further three years, after which he returned to UCL as Professor of Common and Civil Law to UCL, raising funds for the establishment of the Institute of Global Law, which he set up and chaired.

A stream of publications flowed from Basil's pen: not only on law, with leading works on comparative law, English tort law (with Simon Deakin) and German contract law, but also, being a widely travelled and highly cultured man, books on art and its relationship with law. Among his many notable legal publications were *Comparative Law in the Courtroom and Classroom*; *The German Law of Torts* (with Hannes Unberath); *The German Law of Contract* (with Hannes Unberath and Angus Johnston); and *Always on the Same Path: Essays on Foreign Law and Comparative Methodology*. It is not widely known that the majority House of Lords decision in *White v Jones* [1995] 2 AC 207, in which a solicitor was held liable for loss caused to an intended beneficiary under a will through his failure to draw up the will in time, was in no small measure influenced by Basil's work on German law refuting the argument that if such a claim were allowed it would open the floodgates to litigation and by his article "An Expanding Tort Law: The Price of a Rigid Contract Law" (1987) 103 LQR 354, in which he convincingly demonstrated that the remedy should lie in contract rather than tort. These works were extensively cited both in the Court of Appeal and in the House of Lords. But law was far from his only field of expertise. His prolific writings included *The Legacy of Ancient Greek Drama to European Culture*, *Ancient Greek Poetry from Homer to Early Roman Times* and *Euripides in Macedon* and *Good and Evil in Art and Law* as well as *Good and Evil in Art and Law*.

During Basil's lifetime honours were showered upon him: honorary degrees from Cambridge, Gent, Oxford, Paris, Munich and Athens; Knight of the French Legion d'Honneur, later promoted to Officer and further raised to Commander; holder of the Knight Grand Cross of the Orders of Merit of France and Italy and Knight Commander of Germany and of the Greek Order of Honour; appointments as an honorary Queen's Counsel (later King's Counsel) and Bencher of Gray's Inn; and subsequently knighted by Queen Elizabeth II in the Diplomatic and Overseas List for his services to comparative law and international legal relations. He also held Visiting Professorships at numerous European and American law schools, attracting large numbers of students to his lectures, as well as holding several Fellowships and membership of Academies of Arts and Sciences.

For all his successes Basil exemplified the words of Jesus: "A prophet is not without honour except in his own country..." It is fair to say that except at QMC Basil never received during his lifetime any adequate appreciation of his enormous contribution to his Faculty and his University. In part this may have been due to the fact that, in the Greek tradition, he was not a team player but a loner, devoted to his own projects; and with his mischievous sense of humour he could also be waspish about those of whom he disapproved. For whatever reason, his colleagues and his University rarely, if ever acknowledged their huge indebtedness to him. Even so, he remained ebullient and active throughout his life until illness overtook him. He died on 23 April 2023 after being nursed for years by his devoted wife Eugenie, who gave him unceasing support throughout their married life and frequently offered warm hospitality to his friends and visitors from abroad. He also leaves two children of their marriage, a son, Spyros, and a daughter, Julietta. We shall mourn his passing.

A fuller appreciation will in due course appear in the British Academy's *Memoirs*.

Roy Goode



Addendum

I came to the Centre of Advanced Study of European and Comparative Law (soon the IECL) in the summer of 1997. The Centre had begun its work the previous year. To emphasise its European and comparative dimension, it had one French and one German deputy director. I was 'sent' to Oxford by the German Academic Exchange Service (DAAD). The French deputy directors were all senior academics, only one of whom (Otto Pfersmann) took up residence in Oxford. They also changed more often. I was on my first academic post, moved to Oxford, and had only the one office in the Institute, then on the ground floor of the St Cross Building. So it came that I saw Basil very regularly during the three years before he moved on to UCL, and that I worked with him closely. Basil always let me get on with my teaching, and offered much good advice on research. It was he who awakened my interest in comparative law. This interest came to fruition in my Munich habilitation on the Anglo-German comparative law of intangibles. Basil also consulted me on most decisions regarding the Institute. (He did well not always to heed my suggestions.) In academic matters, too, we had wide-ranging discussions. He was never shy to share his doubts and his questions, and was genuinely interested in my point of view. It was through Basil that I got to teach for two summers at the University of Texas at Austin, and through him that I met many interesting and impressive people like the late Lord Goff of Chieveley. In those three years, I saw a caring side of Basil's that was less widely known in Oxford. Basil created institutions and gave inspiration that will ensure his work and his personality will live on.

Stefan Enchelmaier

Remembering Basil Markesinis

It is difficult for those who for so many decades had the good fortune to frequent first as a colleague and then as a friend a person so rich in vitality and cultural curiosity as Sir Basil Markesinis - Basil, for all of us - to recall in one page his rich personality, extraordinary culture and merits - truly great - as a writer and lecturer. It is also difficult to overcome the first moments of hesitation, as memories mingle with emotions and deep sorrow at his passing a few days ago. Nevertheless, it is nice to share with readers how he always impressed us with his intelligence and character. I had met him in Montpellier, in 1975, during a conference organised on *La protection judiciaire et extrajudiciaire du consommateur*; with his perfect French - which Basil mastered like many other languages - he gave a wonderful lecture, so much so that I approached him, a little hesitantly, to congratulate him and to apologise because I, as the Italian speaker, had been able to say very little on the subject, as consumer protection policy was practically unknown in my country at that time. So we began to exchange information, data, writings. I invited him to Genoa, where I was teaching private law at the time, to give a lecture and then I accompanied him to Portofino, which he wanted to visit. From that moment on we became great friends, and Basil introduced me to his charming wife, Ms. Eugenie; their family would be enriched by two children, and I began to frequent them when Basil in Oxford had become director of the Institute for European and Comparative Law, which he transformed into a world reference not only for comparative law but also for European and global law. We also spent holidays with other friends in the South of France and wrote a number of essays together. A first was on the right to privacy, which had already taken root in Italy and was still struggling to be recognised in England. Another was on techniques of compensation for personal injury for damage to physical integrity, in a course of research comparing European models, demonstrating how distant the legal systems were in this sector at the time. I also introduced his method into Italian legal culture, in the course of several meetings organised by various universities: his works - in particular his studies on torts and on the comparison with German law, in which he also availed himself of the help of another brilliant author, Tony Weir, at Cambridge - became well known to Italian scholars. So much so that the Italian translation of his book entitled *Il metodo della comparazione. Il retaggio del passato e le sfide del futuro* (Giuffrè, Milan, 2004) edited by Nello Pasquini and Vanna Levi achieved great success. But I would be doing him an injustice if I reduced Basil's field of research to the area of law: he was a refined connoisseur of classical art, both Greek and Roman, which he knew how to appreciate because of his knowledge of ancient Greek and Latin, and Italian and French art of the Renaissance and later periods. I had been struck by his devotion to Gian Lorenzo Bernini and Nicolas Poussin, whose arcane phrase *Et in Arcadia ego*, and tomb preserved in the basilica of S. Lorenzo in Lucina, he made me discover during one of his visits to La Sapienza, when I had by then changed my academic seat. I remember his happiness when he received the highest Italian honour from the President of the Republic and when he was received with pomp and circumstance by the Rector of Sapienza. Basil was a convinced pro-European, but he was not in favour, as I remain, of drafting a European civil code. Rather, he thought that through what he called '*gradual convergence*' the European legal systems would, for cultural, social and above all economic reasons, come closer together naturally, so to speak, without the need to intervene from above with imposing instruments. He was in favour of a pragmatic culture, which is formed on the interpretation and application of rules (legislative or deriving from case law) and therefore sought to bring together worlds that are often far apart, such as academics, judges and lawyers. The meeting we organised with him and Nello Pasquini between House of Lords judges and members of the Italian Bar Council on the principles of jurist deontology was an extraordinary success.

There have been other moments of encounter, in recent times, after his retirement, but I prefer to remember the happy moments when his salacious jokes and witticisms brought among us the joy conveyed by his generous intelligence, his culture, his sensitivity.

Guido Alpa



Professor Sir Basil Markesinis KC, FBA: A Personal Tribute

Basil Markesinis was a friend and these are my personal memories. His colleagues, Sir Roy Goode and Guido Alpa, have described his great academic achievements in the field of Comparative Law and I was pleased to read the message to the staff and students of the Faculty of Law of Oxford University by the dean, Mindy Chen-Wishart, describing him as a giant of legal scholarship.

A very complex character he was highly intelligent and had a vast European culture. He could be formal and was respectful of tradition but he was also able to connect with people of very different backgrounds because of his extraordinary sensitivity; this is one of the reasons he was such a good teacher. He was also a very successful manager of and fundraiser for the several academic institutions he founded in this country, in Holland and the United States and one of the very few academics to hold chairs in both Europe and America.

I met him in 1990 at University College London where he had the chair of European Private Law and wanted to establish an Erasmus Programme with Italy. He asked Professor Guido Alpa if he knew somebody who could teach Italian Law and my name was suggested; at the time I was working as a solicitor in an English firm. When Basil moved to Oxford as Clifford Chance Professor of European Law and set up the Centre of European and Comparative Law (now Institute of European and Comparative Law) he invited me to join the Centre with the title of Teaching Fellow. My role at the Institute was to teach an introduction to Italian Private and Constitutional Law in Italian to students who would go on to study in Italy for one year. Basil asked me to help from time to time in the organisation of some events of the Institute. In this short piece I would like to remember just two of these events.

In 1998 Basil asked me to join him, four Law Lords (including the Senior Law Lord Robert Goff) and a judge of the Court of Appeal on a trip to Siena to sign the agreement between the University of Oxford and the University of Siena for a student exchange. We then travelled to Rome at the invitation of Professor Alpa where we were received at the Palazzo del Quirinale by the President of the Italian Republic Oscar Luigi Scalfaro and at Palazzo Chigi by the Italian Prime Minister Romano Prodi. It was a very successful trip not only from an academic point of view, it was also very enjoyable.

One of the highlights of this trip was the visit suggested by his wife Eugenie to the Garden of Ninfa near Sermoneta. Unfortunately the garden created in 1921 by Gelasio Caetani was closed to the public the only day we were able to go, but the president of the Fondazione Caetani offered to open it just for us. Ninfa is one of the most beautiful gardens I have ever visited; it was May and all the roses were in bloom. A couple of Austrians at the entrance did not know the garden was closed that day and seeing us entering it they asked me if they could join us. I was of course very happy to let them come with us. As I was walking with one of the Law Lords, approaching them from behind, we heard them reciting a poem. When they saw us they stopped but the Law Lord knew this poem of Goethe by heart and was able to continue it. The Austrians were stunned and I realised in that moment and in that place I was proud to be a European. In my opinion this episode encapsulates everything Basil was striving for in his life: mixing people and cultures in the expectation of a better understanding between them.

In 2001 Basil organised a lecture to be given by the Lord Chancellor, Baron Irvine of Lairg, in Rome at the Accademia dei Lincei at Palazzo Corsini and asked for my help in organising the day. The lecture about the constitutional changes in the United Kingdom was given in the morning, followed by lunch given by the Marchese and Marchesa Sacchetti at Palazzo Sacchetti

in Via Giulia. In the afternoon there was a reception at the magnificent Villa Farnesina and in the evening we had dinner at the Circolo della Caccia. At the end of the dinner there were a few speeches, the last one given by the Senior Partner of Clifford Chance. He said, very simply: "After this day I know what to answer if my daughter asks me: 'Daddy, what is Paradise?'".

Amongst the many honours he received from various European states was the Grand Cross of the Order of Merit of the Republic of Italy of which he was particularly proud, as he considered Italy his second (or third) motherland. His family was originally from the Republic of Venice where the name was spelled 'Marchesini'.

It was a great privilege to know Basil Markesinis; my life has been enriched in so many ways.

Nello Pasquini

Visitors to the Institute



View of Oxford, unsplash.com

In addition to researchers who come to the Institute from partner institutions under the terms of our international institutional links, we host established academics from other institutions as independent researchers under the terms of our Academic Visitor programme. Our visitors play a major part in the life of the Institute during their visit, and most of them give one of our weekly (lunchtime) seminars to explain their research to the benefit of Institute members, the wider Faculty as well as graduate students – and to give the visitors an opportunity to receive feedback on their work. The Institute welcomed the following visitors between October 2022 and September 2023:

Visiting Fellows

**Max Planck Gildesgame Fellow,
Michaelmas Term 2022:**

Jonathan Friedrichs (Max Planck Institute, Hamburg)

Principles in Legal Doctrine, as exemplified by conceptualizations of the principle of strict liability in tort law

**Max Planck Gildesgame Fellow, Hilary
Term 2023:**

Jennifer Trink (Max Planck Institute, Hamburg)

Judicial Discretion in Business Law: The Role of the Judge in England

Paris Visiting Fellow, 2023:

Jean-Sébastien Borghetti (University of Paris 2)

The Development of Force Majeure

Academic Visitors	
Vigilencia Abazi (Maastricht University)	<i>Democracy and Disruption</i>
Elena Bargelli (University of Pisa)	<i>Indirect damage as limit of liability. A comparative assessment</i>
Terry Calvani (Brunswick Group)	<i>'Ms. Khan at the FTC: Mid-term Grades'</i>
Ivó Coca Vila (Pompeu Fabra University)	<i>Theories of criminalisation and the limits of criminal law</i>
Ignacio Cofone (McGill University)	<i>Privacy tradeoffs: behavioural economics and regulatory limits in data protection</i>
Valeria Confortini (University of Naples l'Orientale)	<i>Digital Assets and Inheritance Law: A Comparative Approach</i>
Gudula Deipenbrock (Hochschule für Technik und Wirtschaft Berlin)	<i>Artificial intelligence, machine learning and financial markets and beyond - regulatory and supervisory challenges from the European, comparative and international perspective</i>
Francisco de Elizalde (Københavns University)	<i>Building EU General Contact Law – Harmonisation by mandate</i>
Gunhan Gönül Koşar (Hacettepe University)	<i>Sharenting: A Comparative Research on the Violation of Children's Privacy Online by Their Parents and the Legal Remedies Available</i>
Fabio Goulart Tomkowski (University of Sao Paulo)	<i>The Right to Innovation in Comparative Constitutional Law</i>
Moritz Hennemann (University of Passau)	<i>The 'Colonial' Dimension of EU Law?</i>
Tim Hülskötter (University of Munster)	<i>The impact of the single market objective in EU competition law and its shadow in UK competition law post-Brexit</i>
Dario Latella (University of Messina)	<i>The 'Legal Capital': From its eclipse to a new rise</i>
Mark Leeming (University of Sydney/NSW Supreme Court)	<i>Common Law, Equity and Statute: A Complex Entangled System</i>

Antonio Legeren (University of A Coruna)	<i>Consideration and cause: their current functions</i>
Brooke Marshall (University of New South Wales)	<i>Asymmetric jurisdiction clauses</i>
Maria Martinez Alles (IE Law School)	<i>Punishment in Torts: Comparative Perspectives</i>
Anna Novitskaya (University of Vienna)	<i>Synallagma and exceptio non adimpleti contractus in Russian civil law. A historical and comparative law analysis under the perspective of Austrian and German law</i>
Marco Olivetti (Lumsa University)	<i>The Recent Evolutions of Federal and Regional Systems in European States</i>
Jannik Otto (Heinrich Heine University)	<i>Intensity of Judicial Control in European Private Law</i>
Dr Cristina Poncibo (University of Turin)	<i>Contract law and artificial intelligence: the future of autonomy and consent</i>
Teresa Rodriguez-Cachon (University of Burgos)	<i>Text and data mining: technological-legal challenges of this new copyright exception</i>
Alexander Schall (Leuphana University)	<i>The Principle of Unjust Enrichment – A Comparative Perspective</i>

Maison Française d'Oxford **Visiting Graduate Students**

Mary Nohra	<i>The non-pecuniary loss in the law of contract</i>
Adele Kauffmann	<i>The Effects of Brexit on European Union Citizenship</i>

The Centre for Competition Law and Policy (CCLP)

The Centre for Competition Law and Policy (CCLP) is a specialist unit of the Institute. It provides a centralised platform for teaching and research of competition law and policy within the Law Faculty. Lectures, seminars and other activities focus on the enforcement of competition in the UK, EU and USA, international aspects of competition law, and antitrust policy and economics.



The CCLP hosts a yearly Guest Lecture Programme in which practitioners and scholars discuss recent enforcement trends. The CCLP also supports the Competition Law Discussion Group which provides a forum for research students to present and discuss their work.

The Centre is home to the research project on the 'Effect of Competition Policy on Economic Equality'. Funded by the Leverhulme Trust, the study looks at the relationship between competition policy and wealth distribution. The project's overarching aim is to develop a better and empirically grounded understanding of the ways in which competition law legislation, and its enforcement, could materially affect the distribution of wealth and economic inequality. Papers published by the research team include ['The Effects of Competition Law on Inequality - Incidental By-product or a Path for Societal Change?'](#), ['Competition Law Enforcement and Household Inequality in the United Kingdom'](#), and ['Competition Policy and the Decline of the Labour Share'](#). Current empirical research focuses on the use of dark patterns online, and their effects on consumer autonomy and welfare.

The Centre also operates a pro-bono programme – 'The Value of Competition' – dedicated to educating secondary school students about the benefits of competition and the role of competition enforcement. The programme aims to support the creation of a 'competition culture' around the world.

Law with Law Studies in Europe and the European Student Exchange Programme



The Institute is responsible for the Faculty's four-year BA in Law with Law Studies in Europe, together with the associated exchanges with Law Faculties in our partner European universities. The four-year BA course is a variant on the regular Oxford law degree that includes an extra year spent at one of Oxford's partner universities abroad. It is thus also frequently called 'Law Course 2'. As an exchange programme, it was originally established and until 2020-2021 run under the EU's Erasmus+ scheme. Starting with the academic year 2021-2022, it now comes under the remit of the UK government's Turing programme. The exchange arrangements remain the same, however, so we continue to welcome to Oxford students from our partner universities – one for each of our own students we send abroad.

In recent years the following options have been offered:

- Law with French Law, with 15 students going each year to the University of Paris 2 Panthéon-Assas;
- Law with German Law, with 10 students going to the Universities of Bonn or Munich;
- Law with Italian Law, although no students went to the University of Siena this year;
- Law with Spanish Law, with 4 students going to the Pompeu Fabra University Barcelona;
- Law with European Law, with 4 students going to the University of Leiden.

The Institute administers the Course 2 programme, including the provision of preparatory teaching in foreign law and languages and keeping in contact with the academic directors and the administrators of the exchange programmes in our partner universities. The Law Faculty's Academic Director of Undergraduate Exchange Programmes is a Deputy Director of the

Institute, and the day-to-day administration of the exchange programmes is undertaken by the Administrator of the Institute.

Within this framework, the Institute also provides a focus and support network for the students coming to Oxford from our partner universities under the exchange agreements. These students are registered for the one-year Diploma in Legal Studies programme.

With up to 35 incoming and 35 outgoing students each year, Course 2 is one of the largest undergraduate exchange programmes in the University and it remains one of the success stories of the Law Faculty. Its graduates are highly sought after by law firms and other employers who appreciate their linguistic skills, their experience abroad and the teaching they receive in Oxford. There are and remain, of course, still some uncertainties about the future of student exchange programmes given the UK's withdrawal from the EU in 2020 and the coming into existence of the Turing scheme, which is currently going into its third year. However, none of the exchange agreements with our European partners formally depended on Erasmus+ membership, and we are and remain committed to keeping Course 2 on foot as best we can under whatever conditions may prevail in future. This is underscored by the fact that the University of Oxford has recently agreed to underwrite the exchanges for all students already on course as well as those accepted onto the relevant programmes.

Student Reports

Below are reports from two students about their experience in Munich during their exchange year in 2022-2023.

A Year in Munich

David Rom and Julia Klapperich (BA in Law with Law Studies in Europe)



As part of our Law with Law Studies in Europe degree, we joined the Ludwig-Maximilians-University in Munich. Our academic curriculum consisted of mandatory foundational courses in public and private German law as well as two courses from a variety of options. We studied the foundational courses alongside first-year German law students but attended our options alongside students in their 6th or 8th semester. Both of us also took up the opportunity to sit exams in criminal law for international students, enabling us to complete an LL.M in German Law after finishing our Oxford degree. The

manageable workload allowed us to join student societies such as Lawyers without Borders or the Law and Sustainability initiative. Academically, both of us benefitted greatly from the methodological legal writing style taught at German universities. As the German system focuses much more on application rather than theory, we have learned to tackle problem questions in a more structured and argumentative manner.

Besides the academic, the year abroad was a great experience not only for experiencing German culture more generally, but also to learn to live more independently. While we were guaranteed accommodation by the university, it was very different to live in a big city without the direct support that college brings. With the university and teaching being structured very differently, we also had to adapt to a much longer, but less intense semester teaching system. This gave us the opportunity to develop stable routines and left us feeling more prepared for the long-term revision period before finals.

The year in Germany also gave us opportunities to try out plenty of new hobbies, from ballroom dancing to running, and explore the opportunities that student life in Munich brings. We greatly enjoyed being so close to the Alps, went skiing plenty of times in the winter as well as hiking and swimming in one of the many lakes nearby. It's an amazing city to live in, but also a great starting point to go on weekend trips and explore the surrounding regions - a trip to Italy for a couple of days is just a train ride away!

All in all, the year abroad not only broadened our horizon culturally, but also equipped us with great academic and professional skills and thus had a positive impact on our academic as well as personal development.

Conferences and Seminars

IECL Annual Lecture: 23 May 2023



The second Annual Lecture of the IECL took place on 23 May at 5pm in the Auditorium of Corpus Christi College: **Dr Umakanth Varottil**, Associate Professor of Law at the National University of Singapore spoke on: **The Role of Corporate Governance in Addressing Climate Risk: Global and Asian Perspectives.**

The Lecture discussed the way corporate entities consider and react to climate related risks, and the legal mechanisms can affect those choices. The talk covered ways to frame environmental, particularly climate, issues within the existing frameworks of corporate law used in a range of legal systems, particularly in Asia. It also considered the kinds of litigation strategies currently used, with what success, and possible developments into the future. It was an exciting and fascinating insight into multiple legal systems, and the cross-jurisdictional comparisons and transnational implications of this complex issue. The IECL were lucky to have a speaker with Dr Varottil's expertise and understanding give our second Annual Lecture.

In a change from traditional practice, the event was followed not by a sit-down dinner for a select group from the audience, but by a buffet dinner for everyone who attended the lecture.

International Workshop on *Default Rules in Private Law* Oxford, 24 & 25 March 2023



Convenors: Birke Häcker (Bonn) and Johannes Ungerer (Oxford)

In late March 2023, Professor Birke Häcker (Schlegel Chair in Civil Law, Common Law and Comparative Law at the University of Bonn and until the end of 2022 Director of the IECL) and Dr Johannes Ungerer (Erich Brost Lecturer in German Law and EU Law at the IECL) convened an international workshop on the topic of 'Default Rules in Private Law'. The event was organised under the auspices of the IECL and held at Brasenose College. Default rules are legal rules that apply where and insofar as nothing else has been agreed or provided by the relevant parties; in contrast to mandatory rules, the parties may derogate from default rules by making their own arrangements. The aim of the workshop was to explore default rules in various areas of private law and from a comparative perspective. It is envisaged that the proceedings will be published in a collective volume in due course.

Professor Birke Häcker set the scene with a comparative introduction to default rules. She outlined the idea behind the collaborative project and highlighted some of the recurring themes and questions to be addressed at the workshop. These included the nature and functions of default rules, the very different forms default rules can take, and on what they are – or ought to be – modelled. Methods and mechanisms of generating default rules were then discussed by **Professor Florian Möslein** (University of Marburg). His focus was on 'digitizing defaults' in the context of online platforms, which increasingly seek to set the rules for parties operating on the platforms by displacing the otherwise applicable legal defaults. **Professor Alexander Hellgardt** (University of Regensburg) addressed the regulatory dimension of default rules in more detail. He looked at both the burden of 'opting out' of defaults and the content of defaults as means of regulation in private law. Turning to the supranational level, **Professor Jürgen Basedow** (Emeritus Director at the Max Planck Institute for Comparative and International Private Law, Hamburg, † 6 April 2023) considered the role of default rules for European integration and the EU Internal Market. More specifically, he discussed the relevance and purposes of default rules that exist in EU private law and whether the scope of such rules could usefully be increased. Taking the perspective of behavioural economics, **Dr Geneviève Helleringer** (IECL Lecturer in French Law and Business Law) subsequently presented on the importance of defaults in light of the bounded rationality of humans. She explored various biases which may affect decision-making and can be counteracted by suitably designed defaults. Changing the perspective to how the judiciary sees and deals with default rules, **Lord Sales** (Justice of the UK Supreme Court) offered insights on default rules in the Common Law. He shed light on substantive rules as well as precedent and demonstrated just how ubiquitous the phenomenon is and how many shades of meaning and forms of operation the 'default rules' mechanism can take. The subsequent discussion particularly benefited from contributions by two former Law Commissioners,

Professor Jack Beatson (formerly Lord Justice of Appeal; Emeritus Professor, University of Cambridge) and **Professor Hugh Beale** (Emeritus Professor, University of Warwick; IECL Visiting Research Fellow), who juxtaposed the legislative perspective on the use and creation of default rules.

Investigating default rules in specific areas of private law, **Professor John Cartwright** (Emeritus Professor at the University of Oxford) discussed the nature and function of defaults in contract law. He shed light on the role of default rules for contracts in the Common Law tradition and for the various types of 'special' contracts in Civilian jurisdictions, using the example of France. Subsequently, **Professor Simon Whittaker** (University of Oxford) focused on consumer contracts, where default rules are in fact the exception since most of the rules are mandatory. Nonetheless, he explained that even within consumer contract law default rules played a number of different roles and explored this, inter alia, with respect to the scope and application of the law governing unfair contract terms. The great significance of default rules in the area of commercial and corporate finance law was addressed by **Professor Louise Gullifer** (University of Cambridge). She elucidated the sources, purposes, and design of default rules as they underpin, support and enhance the crucial role of private autonomy in the commercial context. **Professor Gregor Christandl** (University of Graz) dealt with defaults in succession law. Their relevance was highlighted mainly with regard to the rules on intestacy and the construction of wills. **Professor Alan Bogg** (University of Bristol) continued the discussion with his presentation on the nature and function of default rules in employment law. He discussed different trends regarding the role of defaults for employment contracts and more widely in connection with the transformation of the employment status we are witnessing at the moment. Turning to the law of civil procedure, **Professor Giesela Rühl** (Humboldt University Berlin) argued that one can often perceive supposedly mandatory rules in national civil procedure as defaults since party autonomy allows the parties to choose whether, where and how to litigate. On the other hand, she argued that in arbitration the flexibility provided by defaults appears increasingly limited. The closing presentation was delivered by co-convenor **Dr Johannes Ungerer**, who spoke on private international default rules. In the light of the complexity of cross-border cases, he addressed the relevance of defaults for both international uniform laws and the conflict of laws.

The convenors expressed – and would like to take this opportunity to reiterate – their gratitude to all participants for their papers and fruitful contributions to the discussion, to the Institute for generously supporting the event, and to Brasenose College for hosting it with characteristic warm hospitality. Two intense days of round-table discussions brought home to everybody how hugely important default rules are in academic debate and legal practice, yet how fiendishly complicated it can be to find their optimal design and mode of operation.

Johannes Ungerer

Report on the Inaugural IECL Research Masterclass: 4-29 September 2023

The IECL instituted a trial of a Research Masterclass for September 2023, as a way to support graduate students inside and outside Oxford in their research on European, Comparative and Competition law.

The trial required 6 external PhD students paying £750 each to break even. In the end, we admitted 13 students, almost at our maximum of 15, and had 5 internal DPhil students take pace. The group of 18 formed a coherent community, and filled the IECL seminar room (including during the September heatwave!). The external students were from the institutions in the following countries:

Italy (Siena, Turin, Trento, Rome La Sapienza) (one being a student from Mexico)

Germany (Bonn, Tübingen, Augsburg)

Spain (Seville)

Luxembourg (MPI in Luxembourg)

Belgium (Vrije University)

Brazil (Federal University of Santa Catarina)

Poland (Gdansk)

Given the relatively short windup for this first year, the wide reach of the programme is a significant success. The students were accepted onto the course within a few days of the deadline.

The programme went off as planned, with 12 seminars, each of 60-90 minutes, roughly evenly spread over 4 weeks. The rest of the week, students were conducting their research independently. The course included lunches on days when the talks happened, and a dinner in Corpus. It also provided the opportunity to try different approved providers of lunch catering, useful information for the IECL more generally. Accommodation was offered at a discounted rate at Corpus for the length of the course. All the participants took up that offer, save one who came with a child and who could not stay in College accommodation for that reason.

Presentations were made on the basis of a paper circulated to the group in advance, and the discussion began with how the project had been conceived, researched, written, published, and what reflections on it afterwards were. The discussion often then encompassed the participants' own work and experience, and more widely into different pathways into and within academia, and how to develop as a scholar. The academics invited to speak were from a range of disciplines covered by the IECL and its work, with 8 being from within Oxford and 4 from outside Oxford. Three of the four from outside Oxford came to do the presentation, at no cost to the Faculty, as part of other travel they were doing. Many kindly donated their time to the Faculty for this.

Feedback summary

12 out of 18 participants responded. Sessions were rated as, on average, 4.5, with 5 being the highest, with the range being between 3.92/5 for one session, and a number of sessions getting 4.75/5. All respondents said they were "very likely to recommend it" (10) or "likely to recommend it" to others (2). All respondents said it was either very good value for money (9) or good value for money (2). Some examples of the feedback are below:

“Through the various lectures, our lunches and dinner conversations, and my own research in the library, I found out new aspects that I will try to include in my doctoral thesis or other papers. I really hope that the "Research Masterclass" will continue for the coming years.”

“This provided an invaluable opportunity to delve deeper into research, access diverse perspectives, and expand one's knowledge base. In addition, being able to network and establish meaningful connections with other PhD candidates from across Europe was truly enriching. It allowed for a sharing of ideas, methodologies, and collaborative opportunities that I believe will benefit my academic journey in the long run. Furthermore, the human quality of the professors and speakers stood out prominently. Their genuine interest in our growth, combined with their expertise and approachability, made the learning experience both enlightening and personally rewarding.”

In answer to “what was your favourite part of the Research Masterclass” many answers were given around the same theme so only a selection are below:

“the discussion about our research project because of the feedback received not only by Prof. Dyson but also by our colleagues.”

“I really enjoyed the group spirit and the experience of making the most of our September research stay jointly in the library etc. while still doing independent research...While each professor of course still offered an in-depth perspective on the content when asked, it was great that the entire session was not predetermined by the content of the article, because of course not every article topic or even area of law was relevant to each of our PhD projects...I also want to highlight that we all had the feeling that Matt (and also Kat) really cared about every single Masterclass participant, which is something that cannot be taken for granted at all when being a guest researcher at a different university! Even the little things, like Matt taking individual notes on each of our presentations and giving them to us afterwards, was much more than one could have expected beforehand and very helpful!”

“It is hard to choose only one aspect to mention. There were many great moments of the Research Masterclass.”

“The experience was truly exceptional, and we owe it all to your meticulous organization and warm hospitality. The execution of the event was flawless. The seamless flow of the sessions allowed for an enriching and engaging learning experience. Moreover, your warm and welcoming demeanour set a positive tone from the very beginning. Your approachability and willingness to address questions and concerns created an inclusive atmosphere. This made all participants, myself included, feel valued and heard.”

In answer to the question, “What was your least favourite part of the Masterclass and why?”, typical answers were: “My least favourite part of the Masterclass was when I had to leave Oxford” and “Sorry I can't find any part I dislike.” One response was that the seminar room was hot, particularly understandable during the early September heatwave; another said something similar in answer to a different question.

In answer to the question, “Is there anything the Masterclass should do less of, and why?”, there were few responses. The most common answers were along the lines of these: “There's nothing I believe the Masterclass should do less of; I found all aspects of it to be valuable and well-organized.”

Matthew Dyson

Trends in Retail Competition: Private Labels, Brands and Competition Policy St Catherine's College



St Catherine's College (image provided by the College ©John Cairns)

The 18th symposium in the series was held 16 June 2023 on the theme of ‘Trends in Retail Competition: Private Labels, Brands and Competition Policy’. The symposium is a collaboration between the Institute, the Centre for Competition Law and Policy and the British Brands Group, Oxford and was sponsored by Clifford Chance and Oxera. The event was held under the Chatham House Rule.

The symposium opened with a keynote presentation on evolving competition policy and the potential impact on fast moving consumer goods ("FMCG") which reflected on the rise of digitalisation, the effects of inflation on this sector and touched upon how the revised EU and UK guidelines on vertical and horizontal agreements generally address such issues.

This set the scene for the first panel discussion which focused on regulating horizontal agreements. The key changes in the draft horizontal guidelines were outlined and the importance of the new section on joint purchasing highlighted in light of the energy crisis. There featured a review of the sustainability section of the guidelines, highlighting the importance of the link between competition policy and sustainability and comparing how the EU guidelines addressed such issues against the equivalent draft UK guidelines. In the panel discussion, the implications of the new guidelines were explored for information exchange, joint purchasing and sustainability.

The morning programme concluded with a presentation from Europanel on an analysis of distinctive innovation in grocery, based on a market study and global database of SKUs in 36 countries. The study showed that distinctive innovations' performance proves hard to sustain over time, they usually come from brands rather than private labels and they have a higher capacity to attract buyers that have not bought the brand before.

The next session was a panel discussion with a focus on the new regulations on vertical agreements and whether they mitigate competition concerns over information exchange. The key changes in the new Vertical Agreements Block Exemption Order ("VABEO") were highlighted, particularly with regards to dual distribution and its differences from the European Commission's Vertical Block Exemption Regulation ("VBER"). This led into a panel discussion on

whether the new VABEO and VBER guidelines adequately address the issues that arise from increased online shopping, its treatment of active and passive sales and information exchange.

The afternoon programme opened with a panel discussion exploring lookalike packaging and dark patterns in the context of online and offline consumer manipulation. The differences between online and offline consumer behaviour and harm were explored, followed by a discussion on the enforcement challenges and opportunities relating to lookalike products in the UK.

The final session of the programme focused on the emergence of ecosystems and the challenges they pose for competition authorities. Specific themes explored include the definition of ecosystems and how competition authorities have not been adequately reactive to the competition issues they raise.

The panellists closed the programme with the conclusion that stakeholders, including regulators, academics and practitioners, need to work together to better understand and respond to the complexities of ecosystems and their impact on competition and consumers.

John Noble
British Brands Group

Oxford French Moot: 24 May 2023



The moot began with the first team who presented on a case about how contracts operate in response to contingencies. The speakers compared the French law with the doctrine of frustration in English law. When asked to compare the law in each country and evaluate the benefits of each rule, the speakers chose the French law as preferable. This is due to its flexibility in response to contingencies: the speakers drew upon the examples of the Covid-19 pandemic and the war in the Ukraine to illustrate their reasoning.

The second team presented on a case about obligations to inform about property value in a contract of sale of a house. The speakers argued that, whilst the outcome of the case in *La Cour de Cassation* may have technically been correct, finding against an impoverished farmer in this case failed to protect underprivileged members of society from exploitation. The speakers noted that, whilst there is an emphasis on good faith in the French law as opposed to the more individualistic English rule, this case may show the limits of good faith in the French law.

The third team's case provoked discussion about what makes obligations binding and the principle of reciprocity. The speakers noted that it is counter-intuitive to allow contracts which, if breached, have no consequences, merely because the parties have excluded liability in the contract. This also led to evaluation of the French and English law, where the speakers argued for the controversial idea that the French law may be more constrictive than the English law, as 'reasonableness' tests in the English law are extremely broad.

Overall, the speakers were engaging and their analysis was extremely impressive; the moot was a wonderful way to be introduced to the French law and to bring together current students.

Geneviève Helleringer

Successful inception of the Oxford Comparative Moot in German Law



The inaugural Oxford Comparative Moot in German Law took place at the Law Faculty on 2nd February 2023, hosted by the Institute of European and Comparative Law (IECL). This unique competition brought together students, practitioners and academics interested in the comparison of German and English law. It was organised by Dr Johannes Ungerer, Erich Brost Lecturer in German Law and EU Law at Oxford. For the generous donation enabling the moot, the IECL expressed its gratitude

to Dr Martin Mekat and his team of fellow German lawyers from Freshfields Bruckhaus Deringer Rechtsanwälte Steuerberater PartG mbB.

Lord Mance chaired the moot panel and was joined by Dr Alice Möller-Roth from Freshfields and by Dr Johannes Ungerer. They welcomed the two competing mixed teams of Oxford undergraduate students reading for Law with German Law and German exchange students from Munich and Bonn. The teams had to present their legal evaluations of a cross-border contract dispute between a car manufacturer in Oxford and a German supplier, which involved questions of liquidated damages and contractual penalties against the background of unfair contract terms legislation. The moot panel was impressed by the high standard of the submissions and how well all team members were able to respond to follow-up questions. The focus was placed on the comparative aspects of the legal analysis as well as on the commercial considerations in finding viable solutions to the dispute.



The participants were awarded certificates and prizes for their successful performance and received feedback from the moot panel. The event culminated afterwards in a celebratory reception and dinner at St Hilda's College, which provided an opportunity for the participants and other German law students in Oxford to network with the practitioners and academics.

(Photos: Kat Hayward/IECL)

In addition to the above, members and associates of the Institute convene and administer the meetings of the Comparative Law Discussion Group, the EU Law Discussion Group, the IECL Lunchtime Seminar Series, and the Competition Law Discussion Group and Guest Lectures. The following meetings were held in 2022-2023:

IECL Seminar Series	
<i>The substantive validity of jurisdiction agreements – a question of their ‘nature’</i>	Dr Brooke Marshall (University of New South Wales)
<i>Penalties in Australia, the United Kingdom and Singapore – storm-warnings, statutes and style</i>	The Honourable Justice Mark Leeming (Court of Appeal of the Supreme Court of New South Wales and University of Sydney) Organised jointly with the Obligations Discussion Group
<i>The appointment and removal of Ministers of the Crown – comparisons, convention and controversy</i>	Professor Anne Twomey (University of Sydney) Organised jointly with the Public Law Discussion Group
<i>Predicting consumer behaviour – a comparative approach to “prediction” in private law</i>	Tatiana Kozlovsky (University of Paris 1)
<i>Democracy and disruption: tech whistleblowing through a comparative lens</i>	Dr Vigilencia Abazi (Maastricht University)
<i>Damages without damage? ‘Abstract’ damages for breach of contract in comparative and theoretical perspective</i>	Jonathan Friedrichs (Max Planck Institute Hamburg)
<i>Solidarity as a Normative Principle</i>	Professor Guido Alpa (University of Rome La Sapienza)
<i>Legislative instruments to ensure the legal system functioning in wartime: the case of Ukraine</i>	Dr Volodymyr Venher (National University of Kyiv-Mohyla Academy) Organised jointly with the Public Law Discussion Group
<i>Text and data mining: does it lead EU to a new copyright system?</i>	Dr Teresa Rodríguez-Cachón (University of Burgos)
<i>Can the English doctrine of “consideration” shed light onto the “function” of “causa” in Spanish law?</i>	Dr Antonio Legerén-Molina (University of A Coruña)
<i>Measuring Loss in Wrongful Trading Cases</i>	Dr Jennifer Trinks (Max Planck Institute Hamburg)
<i>The effects of Brexit on European Union Citizenship</i>	Adèle Kauffmann (Université Paris-Panthéon-Assas)
<i>Defence of ‘Refusal to Perform’ (Exceptio Non Adimpleti Contractus) in Russian Civil Law - A Comparative Perspective</i>	Dr Anna Novitskaya (University of Vienna)
<i>AI and the Future of Regulation: Unlocking Growth in Economic Productivity While Safeguarding Society</i>	Dr Fábio Goulart Tomkowski (University of São Paulo)
<i>Harm Agnosticism in International Data Protection</i>	Professor Ignacio Cofone (McGill University)

<i>Digital Death and Inheritance Law: A Challenging Relationship (and a Call for Harmonisation)</i>	Dr Valeria Confortini (University of Naples L'Orientale)
<i>Comparative Data Law – Structures, Effects, and Prospects of Data Regulation Worldwide</i>	Professor Dr Moritz Hennemann (University of Passau)
<i>Deconstructing consumer law through data protection and market regulations</i>	Professor Dr Francisco de Elizalde (IE Law School)
<i>Punishing the last citizens? On the defence of climate necessity</i>	Dr Ivó Coca-Vila (Max Planck Institute)
<i>Non-pecuniary loss in the law of contract: a comparative approach</i>	Mary Nohra (Université Paris-Panthéon-Assas)

EU Law Discussion Group

<i>Decolonising EU law</i>	Iyiola Solanke (Oxford)
<i>Sharpening the Constitutional Limits on European Law-Making: The Principles of Conferral, Subsidiarity, and Proportionality as Relative Standards</i>	Hafsteinn Kristjánsson (Iceland)
<i>The Normative Force of Article 3(5) TEU: The EU's Duty to Observe and Develop International Law</i>	Ramses A. Wessel (Groningen)
<i>Wreaking the Wrongs: Balancing Rights and the Public Interest in the EU Way</i>	Takis Tridimas (King's)
<i>Digital Constitutionalism in Europe</i>	Giovanni De Gregorio (Oxford)

Comparative Law Discussion Group

<i>Solidarity as a normative principle</i>	Professor Guido Alpa (University of Rome La Sapienza)
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Competition Law Discussion Group and Guest Lectures

<i>Evolving competition policy and the potential impact on FMCG markets</i>	Sir Philip Lowe (Oxera)
<i>An analysis of innovation in grocery</i>	Filippos Kaliakatsos (Europanel)
<i>Comparing and contrasting retail and branded supplier business models</i>	David Haigh (Brand Finance)

International Institutional Links: Reports from Recent Participants

The IECL acts on behalf of the Faculty in engaging with other institutions outside Oxford for the purposes of research in the fields of European and comparative law. Some of our international institutional links are designed to allow research visits by Oxford researchers to our partner institutions, generally for both senior scholars and graduate students (such as the exchange with the Max Planck Institute for Comparative and International Private Law, Hamburg), but sometimes aimed particularly at graduates or early career academics (Alfa Scholarships, for the University of Rome Sapienza). We also welcome visitors to the Institute from these partner institutions under the terms of our agreement with them, and we have for many years additionally hosted a Paris Visiting Fellow from (in alternating years) the Universities of Paris 1 Panthéon-Sorbonne and Paris 2 Panthéon-Assas. Reports from some of this year's participants in these schemes are set out below.

Paris Visiting Fellow

Jean-Sébastien Borghetti, University of Paris 2



In May 2023, I was lucky to spend one month at the IECL as the Paris Visiting Fellow – and to be hosted at the Maison française d'Oxford, in Summertown. I was already familiar with the Institute, where I had stayed in 2018, but was happy to engage with the new team, especially Matt and Kat, and to meet the other researchers who were there at the time. There were many occasions for fruitful exchanges, and a couple of stimulating offsites, like the Summer Eights. I also had the pleasure to sit at the French Law Moot organised by Geneviève Helleringer. The sun was another visitor in Oxford at the time, which made my stay even more pleasant. The Institute and the adjacent law library are a wonderful place to work, and I was able to write the greater part of a substantial article on the reform of product liability law while in Oxford (now published in the French Journal of Legal Policy (<https://fjlp.u-paris2.fr/en>)). Discussion on and around the topic with several

Oxford legal scholars, including Matt Dyson, Donal Nolan, Simon Whittaker and Marco Cappelletti, proved particularly challenging and I am very much indebted to them and to the Institute for this very fruitful stay.

Maison Française d'Oxford Visiting Graduate Students

Mary Nohra, University of Paris-Panthéon-Assas

Adèle Kauffmann, University of Paris-Panthéon-Assas



I am a PhD Candidate in Law at the University of Paris-Panthéon-Assas. My research focuses on Non-Pecuniary Losses in French Law of Contracts. I had the opportunity to be selected by the IECL and the Maison Française d'Oxford as a visiting scholar at the Institute during Trinity Term 2023 (April-June), where I conducted research in Common and European Comparative Law for my thesis. Along with my affiliation to the Institute, I was elected as an Associate Member at the Middle Common Room of Exeter College. During my stay in Oxford, I was warmly welcomed by Professor Matthew Dyson, director of the IECL, and Mrs. Kat Hayward, the administrator. From the very beginning and

throughout all my stay, their constant guidance was beneficial and made my integration to the University faster, easier, and more enjoyable. I spent most of my time in the premises of the Institute where I had at my disposal a personal desk and a computer allowing an unlimited access to the digital library of the University. However, the Bodleian card handed to me by the Institute gave me access as well to the Law Library and to All Souls College Library, allowing me to undertake essential research in Comparative Civil Law. Towards the end of my stay, I presented an overview of my research during a public lunchtime seminar held at the Institute. This opportunity led to many exchanges helping me uncover answers to a few questions left untouched. I was able to learn from the experience of every other IECL visitor I met. I am extremely grateful for their friendship and support both during, and after my stay. The IECL is the right place to bring a project to fruition, I am thankful to have benefitted from such an opportunity.

Mary Nohra



As part of my PhD studies at Paris Panthéon-Assas University, which focuses on *The Effects of Brexit on European Union citizenship*, I spent 3 months at the IECL as an *Academic visitor*, during Hilary term 2023 (from January to March).

Due to the subject of my thesis, it was obvious that I had to spend some time in the UK, and the IECL was the best place to do it. It was a great opportunity, both professionally and personally.

Firstly, because it's an institute of the University of Oxford it's a very inspiring place to work. The access it gave me to the large body of resources and libraries was really helpful.

Secondly, the IECL is the ideal place to carry out research. As well as being a pleasant place to work, all the people at the IECL were warm and welcoming. As well as this, the IECL made it possible to have discussions with Professors and other researchers who work in the field. It's a very enriching place of exchange and a stimulating place to complete one's work successfully. For example, I had the chance to do a presentation of my work. It was really helpful: preparing, presenting and receiving feedback are important stages, and this gave me some ideas about my research and made me aware of some issues about my work.

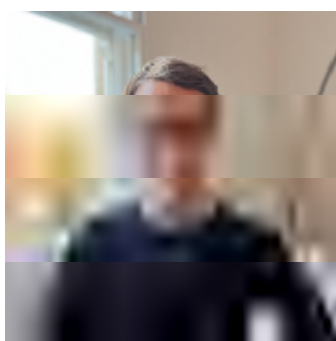
Thirdly, the opportunity was even greater, as it went hand in hand with a partnership with the Maison Française d'Oxford, a great place to live and to meet amazing people from diverse backgrounds.

It was a wonderful experience! I highly recommend it.

Adèle Kauffmann

Alpa Visiting Scholar

Jan Langemeyer, Oriel, Oxford



Thanks to the very generous support of the Alpa Scholarship, I was able to spend two months between March and May 2023 at the Università degli Studi di Roma 'La Sapienza'. During my research stay, I mainly worked on my DPhil project, which focuses on the history of judicial review of administrative action in England, France, and Germany (1870–1914) in two doctrinal areas: the right to be heard, and administrative discretion. In addition, I was able to prepare tutorials in administrative law I taught at St Hugh's College in Trinity Term 2023.

The most stimulating part of my research stay were the encounters with Italian academics. I am very grateful for the warm welcome by Professors Guido Alpa, Alessandro Somma, and Ms Paola Valerio, and for the invitation to attend the Giuristi Anonimi, the comparative law research seminar at La Sapienza. Given that I understand Italian much better than I speak it, I was very glad that my questions and comments were accepted in English. Besides hearing rich and thought-provoking papers, the Giuristi Anonimi were a great opportunity to meet some of Professor Somma's PhD students. With the support of Professor Alpa, I also met Professor Bernardo Sordi at the University of Florence for a very invigorating and insightful conversation. Professor Sordi's research on the history of administrative law in Italy, Germany, France, and the UK is crucially important to my DPhil project. Further, I had a longer discussion with Professor Angela Ferrari-Zumbini (Università di Napoli Federico II), who given her participation in the ERC funded project on the Common Core of European Administrative Law was able to point out many additional resources.

Besides my academic work, it was a great pleasure to live in Rome for two months, particularly in springtime! I certainly improved my language skills, delved deep into Italian food, culture, and history, caught up with Italian friends and colleagues I had not seen since Covid, and made new friends along the way.

I am deeply grateful to Professor Guido Alpa, the IECL, Ms Jenny Dix, Ms Kat Hayward, Professors Birke Häcker, Alessandro Somma, Bernardo Sordi, Angela Ferra-Zumbini, and Ms Paola Valerio for giving me the opportunity to undertake this research stay, and for making it truly special.

Stockholm Centre for Commercial Law (SCCL), Senior Fellow for 2023: Mårten Schultz



I am professor of private law at Stockholm University, board member of Stockholm Centre for Commercial Law, SCCL, and a researcher at the Institute for Future Studies in Stockholm. SCCL has for quite some time had a collaboration with Oxford University and the IECL. I was fortunate to spend time at the IECL as a visiting scholar from September 2022 to June 2023 as a part of an exchange program between SCCL and the IECL. This was not my first visit to the IECL. In 2008, when I had just finished my PhD, I was lucky to spend some time at the Institute where I first started exploring the relationship with basic human rights and freedoms and private law – a subject that has followed me ever since. During my more recent visit I worked on a monograph on liability for risk (loss of chance etc.) and an introductory text in Swedish on “new private law theory” – a theme that has not yet made its way into Nordic academia. I was also drawn into an international research project headed by Matthew Dyson, director of the IECL, on tort claims related to illegality. The IECL is and has for a long time been a wonderful environment for doing research, especially comparative research, and for great conversations with brilliant academics from all over the world.

Nikola R. Hajdin



I spent the academic year 2022-23 at IECL as a recipient of the SCCL Oxford Fellowship. This year was exceptionally productive for me. I published three academic articles and one book chapter, and presented my research at four different venues, including two events at Oxford University. Additionally, I was awarded a three-year grant from the Swedish Research Council to further my research on neutral business assistance and the limits of complicity in international law. Alongside my research, I served as a Tutor in Public International Law at St. Anne’s College, Oxford.

During my fellowship, I actively participated in various academic forums. This included attending a two-day conference on the establishment of a tribunal for the use of chemical weapons in Syria, organized by the Blavatnik School of Government and the Faculty of Law at Oxford University. I also contributed as a peer reviewer for “The Law and Practice of International Courts and Tribunals” journal. My involvement extended to regular participation in the Public International Law Research Group and Discussion Group meetings, as well as engagement in events hosted by the IECL.

I am deeply thankful to the previous IECL director, Birke Häcker, for her warm welcome and insightful discussions on my research. My gratitude also extends to the current director, Matthew Dyson, for his valuable feedback on my work. I spent much of my time at Christ Church, where dialogues with distinguished scholars offered me profound professional and personal growth opportunities.

Grants secured:

1. Swedish Research Council 3-year grant (3.450.000,00 SEK)

Ongoing Projects:

1. Comprehensive review and transformation of the entire PhD thesis into a book. Received positive feedback from all three Oxford University Press reviewers.
2. Drafting an article titled ""Legal Justifications for Confiscating Central Bank Assets in Response to Unlawful Armed Attack.""
3. Finalizing the publication-ready article titled "Corporate Liability for Neutral Business Assistance: The Limits of Complicity in International Criminal Law." The current draft contains 30,900 words.

Published Articles/Book Chapters:

1. "Attributing Criminal Responsibility for the Crime of Aggression," 51 GEORGIA JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW (2023)
2. "Responsibility of Private Individuals for Complicity in a War of Aggression," 116 AMERICAN JOURNAL OF INTERNATIONAL LAW 788 (2022)¹
3. "Article 25 – Individual Criminal Responsibility," in Klamberg M. (ed.) Commentary on the Law of the International Criminal Court (Co-authored with Kirsten Bowman) (2022).

Teaching Engagements:

1. Tutor in Public International Law at St. Anne's College, Oxford University
2. International Criminal Law lectures at Stockholm University
3. Legal English lecture at Stockholm University
4. Seminar on the crime of aggression at Uppsala University

Presentations:

1. International prosecutions, Bocconi University (June 2023)
2. Corporate criminal complicity workshop, Stockholm University (December 2022)
3. Corporate criminal complicity workshop, Public International Law (PIL) Research Group, Oxford University (November 2022)
4. Lecture on the crime of aggression, PIL Discussion Group, Oxford University (September 2022)

Additional Activities:

1. Participation in a two-day conference discussing the establishment of a tribunal for the use of chemical weapons in Syria, organized by the Blavatnik School of Government and the Faculty of Law, Oxford University
2. Peer review of an article for the journal, "The Law and Practice of International Courts and Tribunals"
3. Regular attendance at Public International Law Research Group events
4. Regular participation in Public International Law Discussion Group meetings
5. Active involvement in events hosted by the Institute of European and Comparative Law

¹ The American Journal of International Law is ranked as #1 in my field worldwide.

Research Visitor from Ukraine: Volodymyr Venher



I had the unique opportunity to undergo a year-long visit at the Institute of European and Comparative Law at the University of Oxford. This program was designed to further my research for the attainment of a doctoral habilitation (second doctoral level). The scholarship was established by the Faculty of Law at the University of Oxford and Brasenose College, specifically to support Ukrainian researchers in the conditions of full-scale war.

The focus of my research project is "Limiting legislative discretion: scope, constraints, and principles for the Ukrainian Parliament." Throughout the year, I worked on the comparative aspects of limiting legislative activity in extraordinary circumstances, primarily during wartime. Ukraine's current experience is particularly indicative and presents an intriguing case for analysis. My research centers around the substantive requirements that parliamentary legislative activity should

meet in wartime conditions, such as the preservation of the constitutional model of a parliamentary system, balanced legislative regulation, and civilian control over military administration. The ongoing war in Ukraine marks a unique case in continental Europe for several decades, and the challenges posed by the war are testing not only the military but, in essence, the entire legal system. Traditional processes and instruments of legislative regulation in peacetime cannot be seamlessly applied during active hostilities, shelling, and occupation without some modification. Consequently, a thorough analysis of the limits of legislative influence in such conditions proves valuable not only for Ukraine but also for the broader European context and potentially the world at large.

My time at the Institute provided me with the opportunity to focus on my research. Specifically, I developed and finalized the structure of a monograph on this topic. I made significant progress with my research while at Oxford, and interactions with colleagues allowed me to approach the problem from different perspectives, adding new insights. Notably, the chance to read 'The Principles of Constitutionalism' and discuss some points with the author, Professor Nick Barber, was truly unique and immensely beneficial for my project.

During my stay at Oxford, I worked on several research publications:

- "Ensuring the System of National Legislation in Conditions of War: The Parliamentary Dimension" (published in *Law Ukr.: Legal J.* 7 (2023), pp. 76-93.)
- "Wartime Constitutionalism: Ukrainian Case" (in progress)
- "Limiting Political Parties' Activities under the Threat to National Sovereignty" (in progress)

Additionally, I had the opportunity to present various facets of my research at different academic and discussion events, including:

- Presentation on "Access to Justice: Legislative Limitations and War Challenges in Ukraine" at the scientific-practical conference "DGO-Congress of Central and East European Studies," round table "Legal Perspectives for Ukraine," organized by the German Association for East European Studies (Deutsche Gesellschaft für Osteuropakunde / DGO e.V.) and the Institute for East European Studies (Osteuropa-Institut / OEI) of Freie Universität Berlin, October 6-7, 2022, Berlin, Germany.
- Presentation at the scientific workshop "Rule of Law in the Time of War: Challenges and Opportunities for Ukraine's Peaceful and Prosperous Future," organized by the USAID

New Justice Program in collaboration with Uzhhorod National University, October 26, 2022.

- Presentation at the online seminar "European Court of Human Rights Practice in Election Cases: European Electoral Standards and Post-War Challenges for Elections in Ukraine," organized by the Cassation Administrative Court within the Supreme Court, November 18, 2022, Kyiv, Ukraine.
- Presentation on "Constitutional Principles of Parliament Participation in the Eurointegration Process" at the sixth scientific-practical conference "Legal Foundations of European and Euro-Atlantic Integration of Ukraine: Achievements and Prospects," organized by the National University "Lviv Polytechnic" Educational and Scientific Institute of Law, Psychology and Innovative Education, Department of Legal Theory and Constitutionalism, November 25, 2022.
- Conducted a research seminar and main presentation on "Access to Justice and War Challenges in Ukraine," December 29, 2022, University of Salamanca, Salamanca, Spain.
- Presentation on "Legislative Limitations for the Judiciary in Wartime" at the international conference "Social Justice and Sustainable Development," December 2, 2022, University of Salamanca, Salamanca, Spain.
- Presentation on "Rule of Law During War: Strengthening the Capacity of Executive and Legislative Authorities" during the concluding seminar for the Folk Bernadotte Academy Project "Local Self-Government and Rule of Law in Ukraine," December 5-9, 2022, Stockholm, Sweden.
- Presentation on "Limits of Legislative Regulation of Principles for Appointment, Organization, and Conduct of Elections in Post-War Times" at the open dialogue organized by the subcommittees on administrative-territorial organization and local self-government and on elections, referendums, and other forms of direct democracy of the Committee of the Verkhovna Rada of Ukraine on the organization of state power, local self-government, regional development, and urban planning "Optimization of Administrative-Territorial Structure and Its Impact on the Territorial Organization and Administration of Elections" (Zhytomyr, Ukraine) December 19, 2022.
- Round table presentation and research presentation on "Analysis of Judicial Practice in the Application of Legislation on Personal Data Protection," organized by the Secretariat of the Commissioner of the Verkhovna Rada of Ukraine on Human Rights jointly with the Council of Europe project "Strengthening the Implementation of European Human Rights Standards in Ukraine," Kyiv, February 21, 2023.
- Lecturing at the Interdisciplinary spring school 'Basic principles for peace and sustainable development in Ukraine and beyond', organized by the University of Giessen (Justus-Liebig-Universität Gießen), April 3-6, 2023.
- Presentation in the section "Suffrage after the Cannons Fall Silent – Preparing Ukraine for its Post-War Elections" at the Parliamentary Conference "Elections in Times of Crisis: Challenges and Opportunities," organized by the Parliamentary Assembly of the Council of Europe (PACE) in cooperation with the Swiss Parliament in the framework of the 60th anniversary of Switzerland's accession to the Council of Europe, (Bergen, Switzerland), May 9-10, 2023.
- Moderation of the section "The Experience of Verkhovna Rada before and during the War" at the scientific conference "Legislation and Legislatures in War and Recovery," organized by the Faculty of Law, Stockholm University (Sweden), June 2-3, 2023.
- Lecture 'The Rule of Law in Times of War – The Case of Ukraine' at the University of Bonn, June 15, 2023.
- Presentation on "Constitutional-Legal Limitations for the Organization of Post-War Elections" at the round table of the Committee on the organization of state power, local self-government, regional development, and urban planning of the Verkhovna Rada of Ukraine "Ensuring Political Rights of Citizens Abroad and Security Challenges for Political Participation in the Post-War Period", June 20, 2023.

- Presentation at the round table and research presentation on "Parliament and Other Democratic Institutions During War" in the West on the occasion of Constitution Day of Ukraine and Parliamentarism Day, June 29, 2023.

Moreover, I want to express my gratitude for the opportunity to conduct a seminar on "Legislative Instruments to Ensure the Legal System Functioning in Wartime: The Case of Ukraine," jointly organized by the Institute of European and Comparative Law and the Public Law Discussion Group, University of Oxford, November 22, 2022.

I would also like to extend my gratitude for the opportunity to present the report "Legal and Humanitarian Challenges in Wartime" during the lunch seminar at Brasenose College on March 8, 2023.

Throughout my entire stay at the Institute, I continued teaching several courses at my home university. The primary course was "Constitutional Law" for law students. Once again, interactions with colleagues at the University of Oxford provided an opportunity to refine the course syllabus and enhance the comparative component. Next year, I hope to teach this course in a slightly different yet significantly improved format.

In conclusion, I can reaffirm that Oxford University serves as a hub and epicentre for academic activities, including research visits. This facilitates access to excellent sources of information (the Law Library is outstanding!) and enables the immediate testing of research ideas through communication with representatives of different countries and legal systems. For my research, this was incredibly valuable, as formulating substantive conclusions in comparative constitutional law benefits not only from reading modern research papers but also from engaging with colleagues possessing practical information and a deep understanding of legal reality. Here at the IECL in Oxford, this was extremely possible and very fruitful.

Thank you so much for this opportunity!

Volodymyr Venher,
Associate Professor, Jurisprudence and Public Law Department,
Executive director, Kyiv-Mohyla Rule of Law Research Centre,

Dean, Faculty of Law,
National University 'Kyiv-Mohyla Academy', Kyiv, Ukraine

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Panorama of the St Cross Building

The Institute is most grateful to all those who support its work in European and/or comparative law, or its associated activities in the student exchange programmes. The current financial supporters are listed below.

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Stockholm Centre for Commercial Law	funding for the Stockholm Centre Oxford Fellowship and the Stockholm Senior Visiting Fellowship

Governance of the Institute



The IECL Seminar Room

The governance of the Institute is established in its Constitution approved by the Law Faculty Board. The Director reports directly to the Management Committee. The Management Committee, which is made up of members of the Law Faculty and the Social Sciences Division, has general oversight of the Institute including its administration of the degree in Law with Law Studies in Europe and the Diploma in Legal Studies. It receives reports on academic activity and programmes, monitors financial outcomes and approves strategies for income generation. The Advisory Council provides guidance on the strategic direction of the Institute. Its members are prominent persons in public life and the legal world who are well placed to advise upon and support the work of the Institute. Members of the Management Committee and the Advisory Council in 2022-2023 were:

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